United Nations CEDAW/C/MLT/1-3

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 December 2002

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic report of States parties

Malta*

* The present report is being issued without formal editing.

02-78160 (E) 270203

ARTICLE 1
Definition of Discrimination Against Women

1.1 The Legislative Framework

The expression *discriminatory* is defined by the Constitution itself as **affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description** (Section 45(3)).

Furthermore Section 45(1) binds the State not to legislate any provision that is discriminatory either of itself or in its effect. Legislation is defined by Section 124 of the Constitution as any instrument having the force of law or any unwritten rule of law.

A very wide interpretation is given to 'discrimination' which encompasses not only Acts of Parliament but also subsidiary legislation by whatever designation including regulations, rules, orders and by-laws. It applies likewise to usages of trade and other customs considered to be of a binding nature.

Article 26 in Part V.5.13 is a new section on the protection against discrimination in employment which has only just been intoduced in the proposed labour law. Article 26 addresses discrimination both in the recruitment process as well as during the course of employment. The Employment and Industrial Relations Act, 2002 includes discrimination amongst the issues referred to the Industrial Tribunal (Article 30).

Within the Maltese legislative framework, one finds a number of different pieces of legislation, both of a generic or specific nature, which provide for equality between the sexes, together with a number of remedies which may be sought if any provision found in the law safeguarding equality between the sexes is infringed. The main legislation that deal with this matter are:

- The Constitution of Malta
- The European Convention Act, 1987
- The Employment and Training Services Act, 1990
- The Civil Code
- The Social Security Act, 1987, and Income Tax Act, 1949
- The Education Act, 1988
- The Maltese Citizenship Act, 1964
- The Employment and Industrial Relations Act, 2002

Legislation on Violence Against Women is presently being drafted. A Bill was introduced in October 2002 by the title of 'An Act to promote equality for men and women'. The proposed legislation is currently being debated in Parliament. A White Paper on the setting up of a Family Court was published in May 2001. The purposes of the White Paper is to crystallise the issues identified in respect to the setting up of a Family Court, and to afford a period of time for public discussion on the final proposals of Government. The Family Court is conceived as a judicial forum that has jurisdiction over all family related matters.

Malta's new legislation on labour law, the Employment and Industrial Relations Act, 2002, aims to actively promote, facilitate and contribute to the ongoing development of an inclusive society through the provision of quality personalised services and by actively encouraging and assisting individuals, families and community associations to participate in fighting social exclusion, ensuring equal opportunities for all, with special emphasis on the most vulnerable members of society.

Following the proposed Employment Relations Act and Industrial Relations Act for public consultation, was the White Paper on Gender Equality published in the first quarter of 2002. The draft White Paper covers all aspects of discriminatory treatment between men and women. The salient features include discrimination in employment and self-employment, educational and vocational training, sexual harassment, advertising, the proposed new national Commission for the promotion of equality between men and women, civil proceedings and regulations.

1.2 The Constitution of Malta

The Constitution of Malta guarantees equality between women and men. The Constitution is the highest law of the land, and, as a consequence, if any other law is inconsistent with the Constitution, the Constitution prevails and the other law is, to the extent of its inconsistency, void (Section 6, Constitution of Malta).

The Maltese Government ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women on 8 March 1991. In July of 1991, Constitutional amendments were enacted in terms of which the State guaranteed non discrimination towards its citizens, with few exceptions. Section 45(2) lays down that **no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority**. Another important provision was the enactment of Section 45(10) which provides for a two year period within which discriminatory legislation is to be repealed.

Thus, as from 1 July 1993, any law inconsistent with Section 45 of the Constitution, which deals with the various forms of discrimination, can be challenged before the local Courts in the same way as, for example, political discrimination unless it falls under the exceptions laid down by the Constitution.

Moreover, Section 32 of the Constitution of Malta guarantees equality between men and women.

With regard to Malta's commitment to fundamental human rights, the first Article in the Constitution states that:

Malta is a democratic republic founded on work and on respect for the fundamental rights and freedoms of the individual.

Moreover, Maltese law on equality between the sexes centres on two constitutional provisions prohibiting discrimination based on sex, that is, Section 14 and Section 45, both of which were amended by Act XIX of 1991.

Although this Section falls under Chapter II (Declaration of Principles) of the Constitution, of which provisions are not enforceable, principles fundamental to the governance of the country.

Case law which obtains in Malta on this section of the Constitution has affirmed the principle that discriminatory practices include those practices which are discriminatory in their effect.

The Constitutional provisions on discrimination constitute a guarantee against discrimination, including sex discrimination by the State. In relations between private individuals, sex discrimination is prohibited in certain legislation regulating different spheres such as the Employment and Industrial Relations Act, 2002 and subsidiary legislation that regulates the relationship between employer and employee.

Article 26 in Part V Protection against discrimination related to Employment is a new article introduced in the new labour law and addresses the issue of discrimination both in the recruitment process as well as during the course of employment.

Moreover, Article 4 in the Gender Equality Bill covers discrimination in employment, complimenting the provisions presented in the Employment and Industrial Relations Act, 2002. Article 4 reinforces the principle of equal treatment and equal opportunity for men and women as regards access to employment. It also refers to the obligation of the employer to suppress sexual harassment in the workplace.

Article 5 in the Gender Equality Bill obliges the employer to provide a report whenever an allegation of discrimination has been made including the procedures used by the employer in the matter alleged to constitute such discrimination.

Following the 1991 Constitutional amendments, discriminatory laws regulating, marital status, family law, passports, banking, commerce, income tax and social security, were redressed. Consequently, departmental practices and procedures were brought in line with Constitutional provisions on gender equality.

The Gender Equality Bill currently debated in Parliament, will encompass the Directive 97/80/EEC on the burden of proof in cases of sex discrimination.

1.3 The European Convention Act, 1987

The European Convention Act, 1987 guarantees fundamental human rights as enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950. These rights are guaranteed to everyone irrespective of sex. Through the above Act, its First Protocol to the convention was also fully incorporated into Maltese domestic law.

1.4 The Employment and Training Services Act, 1990 (Act No. XXVIII of 1990) as amended in 1995

The Employment and Training Services Act, 1990 provides for the constitution of the Employment and Training Corporation, whose function it is to provide

employment and training services. Section 15(6)(b) of the said Act provides that sex discrimination is an offence.

1.5 The Civil Code

Discriminatory practice in family law was redressed in reforms made in the Civil Code (Chapter 16 of the Revised Edition of the Laws of Malta). The husband is no longer the head of the Community of Acquests and this is now being administered by both spouses. Moreover, certain extraordinary acts need the consent of both spouses.

A step towards the elimination of discrimination against married women dates back to the enactment of Act XLVI of 1973 whereby, inter alia, married women were allowed to contract in their own name and represent themselves in judicial proceedings without the consent and assistance of their husband.

By virtue of OPM Circular No 103/80 dated the 31 December 1980, the marriage bar was removed and female employees are no longer required to resign from their employment on contracting marriage.

The Conditions of Employment (Regulation) Act, 1952 regarding the private sector was also amended by virtue of Act XI of 1981 Section 34(14). This Act was amended to entitle married women to remain in full-time employment. An employer may not dismiss an employee from employment on grounds of marriage.

Article 2 sub-article (2) in the proposed legislation on Gender Equality defines "discrimination on the basis of sex" as:

- the giving of different treatment to men and women on the basis of their sex;
- treating a female differently for reasons of actual or potential pregnancy or childbirth;
- treating men and women differently on the basis of parenthood, family responsibility of for some other reason related to sex.

1.6 Protection of Pregnancy and Maternity

Leave for pregnancy and confinement (maternity leave), at full pay, was introduced for all female whole-time workers in Malta, by Act No. XI of 1981, which amended the Conditions of Employment (Regulation) Act, 1952.

By virtue of Legal Notice 92 of 2000 in the Protection of Maternity at Work Places Regulations, 2000, an added one week of special leave was granted so as to make up 14 weeks of maternity leave.

Section 34 sub-section (17) to (20) provides a guarantee to female employees against dismissals from employment in connection with maternity leave. A whole time employee cannot be dismissed by her employer during the period of her maternity leave or during the period of five weeks following such leave in which she is incapable of work owing to a pathological condition resulting from the confinement.

The Employment and Industrial Relations Act, 2002 provides comprehensive protection of married women and pregnant workers against dismissal.

In 1996, regulations related to the protection of pregnant workers at the work place were published through Legal Notice No. 72, cited as Work Place (Protection of Maternity) Regulations, 1996. These regulations safeguard pregnant workers and women who give birth from performing any type of work that endangers their health and safety or the health of their child. They also provide security of employment should a pregnant female be deployed by her employer in order to avoid risks to the health and safety of the pregnancy or of the unborn child. These regulations further provide that a pregnant woman must not be exposed to certain physical, biological and chemical agents listed in the schedules to the regulations.

The above regulations were repealed and the Protection of Maternity at Work Places Regulations, 2000 (LM 92 of 2000) were published on 11 April 2000 and came into force on 1 January 2001. These regulations contain all the guarantees provided in the 1996 regulations and bring Maltese law in line with Directive 92/85/EC on the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding of the European Union. Moreover, females who are pregnant and who have just given birth may avail themselves of another week of maternity leave either just before or just after the maternity leave provided for in the Conditions of Employment (Regulation) Act, 1952. The 2000 regulations (as did the 1996 regulations) provide that, pregnant workers are not required to perform night-work if harmful to the mother, pregnancy, or child. Pregnant workers are also entitled to time off work, without loss of pay or any other benefit, in order to attend ante-natal examinations if these take place during working hours.

To entitle pregnant workers to one week's special unpaid leave to be utilised immediately preceding or immediately following the paid thirteen weeks maternity leave to which they are entitled, Legal Notice 92 of 2000, stipulates that the financial benefit of the total period of this unpaid leave, together with maternity leave, should be thirteen (13) weeks pay. Government employees may still utilise parental leave as the special unpaid leave following maternity leave. This is in keeping with the Government's policy for increasing health and safety at the workplace.

Through OPM Circular No. 16/2001 dated 30 March 2001, a notice was brought to all Government employees stating that in conformity with the Protection of Maternity at Work Places Regulations, 2000, female government employees are entitled to one week special unpaid leave to be utilised immediately preceding or immediately following the thirteen weeks paid maternity leave as provided in Section 18 of the Conditions of Employment (Regulation) Act, 1952. This entitles the worker to 93 per cent of her full 14-week payment.

1.7 Social Security Act and Income Tax Act

In 1993, amendments were made to the Civil Code which defined the role of the husband as being that of the sole head of family prior to which the husband was vested with full authority over minor children and the community property, including its administration. Act XXI of 1993 amending the Civil Code, curtailed the father's and husband's undisputed dominance within the family, and provided that both spouses be placed on an equal footing, in the administration of their common property, and in relation to children.

As a consequence of these amendments, the Social Security Act, 1987, and the Income Tax Act, 1949 were amended.

The amendment to the Social Security Act, 1987, concerned the definition of "head of household". Whereas prior to amendment the husband was recognised as the sole head of the household, the new provisions define the head of the household as:

such person, as in the opinion of the Director of Social Security, is the head of the household (Section 2).

Amendments to the Income Tax Act, 1949 made married women jointly responsible with their husband for the payment of income tax computed on revenue and earnings. Prior to the amendment, the husband was legally responsible for the completion of income tax returns and the payment of income tax for both his and his wife's earnings. A first set of amendments in 1990 brought about a situation where, husband and wife may opt for separate computation of earnings. However, the husband was still responsible for tax returns and payments. Following the enactment of Act XX of 1996, married women were given the opportunity to sign the income tax return form with their husband. This enactment also gave the wife the possibility of being elected, by consent of both spouses, as the spouse to be responsible for the tax on the chargeable income. Although the income tax return may be signed by just one of the spouses, as the responsible spouse, the Act specifically states that in all cases the return shall be presumed to have been made with the consent of both spouses.

1.8 Education Act, 1988

Primary education was made compulsory for all in 1946, while secondary education became obligatory irrespective of sex, in 1970. Vocational schools at the secondary level were set up in 1972 and the school leaving age was raised to sixteen years in 1974. In 1971 tertiary education was provided free of charge.

The compulsory school age means any age from five to fifteen. A person shall be deemed to be of compulsory school age if he or she falls within that age bracket.

The State has the duty to promote education and instruction and to ensure that schools and institutions are accessible to all Maltese citizens for full personality development and employability.

The State has the right to regulate education through establishing a national minimum curriculum of studies and the national minimum conditions for all schools.

1.9 Maltese Citizenship Legislation

Legislation concerning citizenship is regulated by Chapter III of the Constitution and by the Maltese Citizenship Act, Cap. 188. As from the 10 February 2000, that is, when the latest amendments to the citizenship legislation were enacted, the Constitution contains only the general principles concerning Maltese citizenship whilst all the relative detailed provisions have been incorporated in the Maltese Citizenship Act (Cap. 188).

Amongst other provisions, the said Act regulates who becomes a citizen of Malta by birth in Malta or by descent and also provides for the acquisition of Maltese citizenship by registration or by naturalisation. The spouses of citizens of Malta may acquire Maltese citizenship by registration and, as a result of the above-mentioned amendments, may retain their foreign citizenship.

An important feature of the amendments enacted over the years has been the possibility for children born outside Malta to Maltese mothers to acquire Maltese citizenship. In the case of those children born after 1 August 1989, such acquisition is automatic, whereas in the case of those children born during the period 21 September 1964 – 31 July 1989 they may acquire Maltese citizenship by registration.

1.10 Official Policies on Discrimination

In the last two decades, Maltese Governments have constantly reaffirmed their commitment to strive for the attainment of equality between men and women. In 1987, an integrated approach was adopted to ensure women's equality and advancement in the legal, civil, political, economic and social spheres of Maltese society. The Government Work Programme in 1987 stated that:

the Government will remove discrimination between men and women so as to bring about complete equality of the sexes. The proposed legislation will be supplemented by practical measures which will give further significance to this equality.

As a first step towards the implementation of Government's policies on gender equality, the national machinery for women's issues was established by Cabinet decision. In 1989, the national machinery, under the responsibility of the Minister for Social Policy, consisted in the Commission for the Advancement of Women (an advisory body) and the then Secretariat for the Equal Status of Women. In 1994, this Secretariat was upgraded to the level of a Department within the structures of the Public Service.

Since its establishment, the national machinery has ensured that women's needs and concerns are taken fully into account in the development and implementation of Government policies and programmes.

Awareness-raising on gender equality, of policy makers and the general public, was placed at the top of the list of priorities. Other important areas addressed were: legislative reforms; education (access to equal opportunities, teachers' attitudes to gender differentiation, text-book contents and other teaching aids); equal opportunities in employment; improvement of conditions of work; reconciliation of family and work responsibilities. Action was taken to improve the response to domestic violence, and units on domestic violence and child abuse prevention were established. Importance was also given to the introduction of sex-disaggregated statistics. Decision-making was another area that was given priority, with special initiatives undertaken to increase the presence of women in politics, in the public service and as representatives on public bodies.

1.11 The Public Service - Estacode

In 1989, amendments to the Estacode, the major administrative manual of the Public Service, were also made. These amendments were related to the new official policy in favour of gender equality, equal opportunities in employment and non-discriminatory work practices.

Circulars were issued by the Office of the Prime Minister to Ministers, Parliamentary Secretaries and Heads of Department, to publicise the policies on gender equality and to ensure the implementation of such policies. OPM Circular 133/89, on Gender Equality, drew attention to the official policy on gender equality and on the newly set up Commission for the Advancement of Women. In this same circular, the Prime Minister, who was then also the Minister responsible for the Public Service, advised that new practices reflecting gender equality were to be adopted by public officials and to ensure that:

i) in the drafting of all legislation and in the implementation of Government policy, women's concerns were to be given due consideration;

ii) consultations with the national machinery on gender equality had to be held prior to the drafting of any laws;

iii) in all Public Service Circulars, neutral language had to be used to eliminate sex stereotypes;

iv) calls for applications of vacant posts had to be open to both sexes, males and females, and different qualifications were not to be requested, especially from female applicants;

v) the right circumstances should be created to enable female employees to enjoy equality of opportunity in the promotion process and in decision-making.

OPM Circular 37/90, Interviewing Boards and Sexual Discrimination deals with the procedures to be followed in the composition of interviewing boards and criteria for selection, training and promotion in employment. These guidelines aim at redressing discriminatory practice in selection and recruitment and at ensuring equality of opportunity in employment. The main guidelines state that:

i) Interviewing boards are to include both women and men;

ii) Applications from women and men are to be processed in exactly the same way;

iii) Records of interviews are to be kept, where practicable, specifying reasons for applicant's appointment or rejection;

iv) A person is to be assessed according to his or her personal capability to carry out a given job, without discriminating on the basis of sex or marital status;

v) Questions asked during interviews are to relate to the requirements of the job. Personal questions on marriage or family plans shall not be asked as they construe bias against women;

vi) It is not to be assumed that men only or women only are capable of performing certain kinds of work;

vii) In the case of promotion, when general ability and personal qualities are the main requirements for promotion to a post, care should be taken to consider favourably candidates of both sexes with differing career patterns and general experience.

1.12 Public Service – Code of Ethics

Gender equality in the public service, is enshrined in the Code of Ethics, enacted in 1994. Section F Personal and Professional Behavior and sub-section 26, in particular, prohibits discrimination based on sex, marital status and pregnancy among others, by public officers.

1.13 Violence Against Women

Under Maltese legislation, any form of violence is forbidden, irrespective of the sex of the victim who suffers such violence.

The Criminal Code, prohibits all kinds of violence, however, makes a distinction when dealing with bodily harm. Where bodily harm is inflicted on a pregnant woman and is the cause of a miscarriage or hastens delivery, the crime is subjected to a much higher punishment. If the grievous bodily harm brings about miscarriage it is punishable with imprisonment from nine months to nine years, while if it hastens delivery it is punishable with imprisonment from three months to three years.

By virtue of an amendment introduced in 1993, the Civil Code gives power to the spouse who is victim of abuse to request the Court to order the abuser to leave the matrimonial home at the very inception of proceedings for marital separation.

1.14 Sexual Harassment

The Occupational Health and Safety (Promotion) Act of 1994 provides workers with protection against sexual harassment.

The Code of Ethics regulating the personal and professional behavior of public service officials, Section F, sub-section 26, categorically states that public officers should not harass, in work practices, on grounds, among others, of sex, marital status and sexual preference.

1.15 Office of the Ombudsman (*vide* 2.9, 11.27)

The office of the Ombudsman was established and is regulated by Act XXI of 1995 the Ombudsman Act (Chapter 385 of the Laws of Malta). The Act provides for the appointment of the Ombudsman, his or her functions, the procedures to be followed during and after investigation, as well as confers all necessary powers on the Ombudsman for the exercise of his functions.

The Ombudsman is an Officer of Parliament, appointed by the President acting on the recommendation of at least two thirds of Members of the House of Representatives, to investigate the acts, omissions, decisions and recommendations

made in the exercise of their administrative functions by certain public authorities. The Ombudsman is independent and impartial.

On appointment, the Ombudsman must divest himself of any interest, position, trust or membership that could affect his impartiality, independence and credibility. Members of the House of Representatives, members of local councils and public officers cannot be appointed Ombudsman while holding office.

The Ombudsman holds office for five years and may be re-appointed for one consecutive term of five years. He may be dismissed for proved inability to perform his functions, or for proved misbehaviour, by the President upon an address from the House of Representatives supported by not less than two thirds of all the Members of the House.

In exercise of his functions, the Ombudsman is not subject to the direction or control of any other person or authority.

Being independent and impartial, the Ombudsman is neither an advocate for a complainant, nor a defender of a public authority. He takes the complaint, investigates the facts, and reaches a conclusion without fear or favour to any party.

The Act applies to these authorities even when the person to whom it applies have acted in accordance with recommendations received, or after holding consultations according to law, or after observing other legal requirements.

ARTICLE 2
Obligations to Eliminate Discrimination

2.1 International Conventions

The Maltese Government ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1991. Malta has also ratified the following international conventions which relate to gender equality:

- ILO Convention 100 on Equal Remuneration, 1951
- ILO Convention 111 on Discrimination in Employment and Occupation, 1958
- The European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- The Convention on the Political Rights of Women, 1952
- The Convention on the Rights of the Child, 1989
- The Convention on the Nationality of Married Women, 1957

Provisions of international conventions cannot be invoked before the Courts in Malta, nor can they be directly enforced by the law courts, as on ratification, treaties and conventions do not automatically become part of the laws of Malta. In order to acquire force of law, a separate Act has to be passed through Parliament. A case in point is the European Convention for the Protection of Human Rights and Fundamental Freedoms and its First Protocol, which were incorporated into Maltese domestic law through the European Convention Act (Act XIV of 1987).

2.2 Legal and Institutional Framework

The rights contained in the above international conventions are guaranteed through an established legal and institutional framework. Remedies and sanctions provide for any public and private acts of discrimination. The main legislation concerning gender equality is contained in the Constitution of Malta, 1964, the European Convention Act, 1987, the Civil Code, the Criminal Code, the Education Act, 1988, the Occupational Health and Safety (Promotion) Act, 1994, the Occupational Health and Safety (Authority) Act, 2000, and the Maltese Citizenship Act, 1964, and the conditions contained therein are enforceable by the Courts in Malta.

Moreover Maltese individuals have a right to petition the Secretary General of the Council of Europe in case local remedies are exhausted. This right is contained in the European Convention Act, 1987.

2.3 The Constitution of Malta

The Constitution of Malta, which is the highest law of the land, guarantees equality between women and men and places an obligation on the state to ensure Gender Equality. Following the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political rights, the Constitution of Malta was amended in July 1991, to include among the fundamental principles contained therein, the equal right of men and women to enjoy all economic, social, cultural, civil and political rights. Moreover, Section 14 was amended by Act XIX of 1991 and provides for equal pay for equal work.

Chapter IV of the Constitution lists the Fundamental Rights and Freedoms of the individual and Section 45(3) defines the term 'discriminatory'. This article was amended by Act XIX of 1991.

2.4 The Constitutional Court

The institution that provides a remedy for violation of human rights is the Constitutional Court. The instances in which the Constitutional Court is vested with jurisdiction are expressly laid down in the Constitution of Malta, unlike the case of other tribunals/courts. Thus, amendments to the rules governing the Constitutional Court may, in terms of Section 66(2) of the Constitution, only be altered through a two thirds majority of the House of Representatives.

Section 95(2) of the Constitution defines and delimits the competence of the Constitutional Court. It lists the instances when the Court has original jurisdiction with no possibility of further appeal and lists those instance where the Constitutional Court has only an appellate jurisdiction.

The Constitutional Court has an appellate jurisdiction in four instances, the first of which provides that the Court is competent to hear appeals from decisions given by the First Hall Civil Court concerning the enforcement of the provisions on human rights and fundamental liberties. The same rule is contained in Section 46(4) of the Constitution. The Procedure shall be commenced by application and the hearing must be as expeditious as possible. Such rules which were made by Legal Notice LVIII of 1974, provide that the applicant must indicate which of the human rights provisions have been violated and which remedy is being sought. A failure to do so will not bring about the nullity of proceedings but a note to that effect would have to be filed.

Notwithstanding that an application is based on an allegation of the violation of one or more provisions, the Court is not precluded from finding that the facts violate another fundamental right or rights. Moreover, the court has discretion to award any alternative remedy as it deems fit other than that stated in the applications. This discretion differs from the rules of procedure applicable in other cases whereby a court may not award a remedy beyond that which was requested in the writ of summons. Such flexibility ensures that the process is expeditious.

Section 46(3) states that if a matter relating to the infringement of some human rights arises before some court other than the First Hall Civil Court or the Constitutional Court, that court has an obligation to refer the question to the First Hall Civil Court, unless it is of the opinion that the question is merely frivolous or vexatious. There is no appeal from such a decision. Consequently, redress for alleged human right violations may be sought either directly through an application to the First Hall Civil Court, or through a referral made by another court/tribunal to the First Hall Civil Court. In this case too, if the First Hall decides that the allegation of human rights violation is frivolous and vexatious no appeal may be brought to the Constitutional Court.

The First Hall Civil Court may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of securing the enforcement of any of the human rights provisions provided that the court may, if it deems so to do, decline to exercise its powers in any case where it is satisfied that

adequate means of redress for the contravention alleged are or have been made available to the person concerned under any other law.

2.5 European Convention on Human Rights and Fundamental Freedoms

The European Convention on Human Rights and Fundamental Freedoms is part of Maltese law as a result of the enactment of the European Convention Act, 1987. The provisions contained therein may be enforced in the First Hall of the Civil Court and, on appeal being lodged, in the Constitutional Court. In 1987, Malta ratified the right of individual petition and therefore any individual can now petition the European Commission of Human Rights if he/she feels aggrieved by any decision of the Constitutional Court. As far as concern the allegations of infringement of human rights and fundamental freedoms listed under the Constitution, the Constitutional Court has final say.

In a case concerning a transsexual, a person born male but subsequently becoming female was denied the right to change her passport and identity card to show that her sex was now female. In Jane (a different name was used throughout the proceedings to protect the identity of the plaintiff) vs. the Director of Public Registry, the First Hall Civil Court, in its ruling, held that the failure on the part of the law to provide a specific remedy for transsexuals wanting to change their name and sex on their personal documents after a sex change operation, violated the fundamental human right to privacy. The Court decided the case in Jane's favour by:

- finding a violation of Jane's right to the protection of privacy, although in its opinion there was no violation of her right to freedom from inhuman and degrading treatment;
- ordering a correction of Jane's birth certificate and extracts which were protected by confidentiality; and,
- calling for specific legislation to provide transsexuals with a remedy.

2.6 Employment and Training Services Act, 1990 (Act No. XXVII of 1990) as amended in 1995

This Act provides for the setting up of a National Employment Authority and an Employment and Training Corporation, and regulates employment and training services.

This law moreover specifically disallows sex discrimination *vis à vis* those persons seeking employment through the Employment and Training Corporation.

Violation of this provision entails a penalty of a minimum of LM 500 and a maximum of LM 5,000. It is relevant to point out that this constitutes quite a hefty penalty when compared to penalties provided for in other laws.

2.7 Sexual Harassment

Protection against harassment at the workplace including sexual harassment is provided for under the Occupational Health and Safety (Promotion) Act of 1994.

Any person who contravenes the above provision and any person who conspires, attempts, aids, abets, counsels or procures any other person to contravene the same, shall, on conviction, be liable to imprisonment for a period of not more than two years or to a fine of not more than two thousand liri or to both such fine and imprisonment. The court may, moreover, order that any licences, warrants or permits in the name of a person found guilty, be cancelled.

The Gender Equality Act which is currently being debated in Parliament, shall include an amended version of protection against harassment at the workplace which runs parallel to Section 29 Part 10 of the Employment and Industrial Relations Act, 2002.

2.8 Protection against Dismissal from Employment

The Employment and Industrial Relations Act, 2002, protects married women employees and pregnant workers from dismissal. Section 36(17) provides that a whole time employee cannot be dismissed by her employer during the period of her maternity leave.

Redress against unfair dismissal for private sector employees, can be sought through the Industrial Tribunal, established by Section 26 of the Industrial Relations Act, 1997, as amended in 2000. Moreover, Section 81 in the Employment and Industrial Relations Act, 2002 lays down the powers of Tribunal in cases of dismissal.

Public service employees have the right to appeal against their termination of employment to the Public Service Commission, as established by the Constitution of Malta.

Article 2 subarticle (2) in the Gender Equality Bill proposes that:

(a) the giving of different treatment to men and women on the basis of their sex;

(b) treating a female differently for reasons of actual or potential pregnancy or childbirth;

(c) treating men and women differently on the basis of parenthood, family responsibility or for some other reason related to sex;

(d) any treatment based on a provision, criterion or practice which disadvantages a substantially higher proportion of members of one sex unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex.

2.9 Functions of the Ombudsman (*vide* 1.15, 11.27)

The Office of the Ombudsman is another institution set up under the Ombudsman Act, 1995, as amended in 1997, to conduct investigation into complaints about the acts, omissions, decisions and recommendations of Government Ministries, departments, public officers and other government controlled agencies which are taken in the exercise of their administrative functions. The Ombudsman has also got the authority to decide on cases of discrimination alleged involving government administration and government controlled agencies. The discrimination alleged includes sexual discrimination.

Most investigations are undertaken as a result of a complaint received from the party directly affected, but the Ombudsman may commence an investigation on his/her own initiative. The Ombudsman is independent, in that, in the exercise of his functions, he/she is not subject to the direction or control of any other person or authority. The Ombudsman is appointed by the President acting in accordance with a resolution supported by two thirds of the House of Representatives. He/she may only be removed by the President upon a resolution of the House supported by not less than two thirds of its members.

From the beginning of the Ombudsman's mandate in 1995 to the end of the year 2000, 7443 persons had recourse to the service provided by the Office. During the whole period the Ombudsman received 4298 written complaints and 3145 verbal enquiries.

Of the written complaints registered, 4219 had been closed by end December 2000. Around 74 per cent were within the Ombudsman's jurisdiction. An enquiry was initiated in 1744 cases, of which 8 where own-initiative inquiries by the Ombudsman. The complaints received concerned wrong or rigid interpretation of laws, rules, regulations and policies, improper discrimination, lack of transparency, failure to provide information, undue delay or failure to act, lack of fairness or balance, contractual disputes and delayed payments by government departments and agencies.

Cases were closed for one or more of the following reasons:

- 884 cases were sustained and the recommendation for a remedy accepted, or were resolved by the agency during the course of investigation;
- 860 cases were not upheld;
- 1,364 cases on which no formal investigation was conducted, complainants were either advised to have recourse to the agency as a first step or given assistance;
- 1,111 cases were inadmissible for investigation because the agency concerned was outside jurisdiction, or there were pending court or tribunal proceedings in progress, or the complaints were frivolous, trivial or time barred.

In addition to written complaints, the Office dealt with the 3145 verbal enquiries made personally by calling at the office or by telephone or fax.

One of the main reasons for the relatively high number of complaints received in relation to the population is that Malta is a small island, making the service provided by the office well known and easily sought. Case notes are published by the Office of the Ombudsman to illustrate a cross section of the complaints dealt with.

Case Notes published twice yearly by the Ombudsman involve alleged discriminatory treatment to females. Such cases included the following.

An employee in the public service complained that she was refused the right to maternity leave because she held a part-time appointment. When she applied her request was refused on the grounds that casual staff are entitled only to two days birth leave. Maternity leave amounting to thirteen weeks on full pay is a benefit

under the Conditions of Employment Regulation Act (CERA) which according to the Code of Civil Procedure did not apply to public service employees.

The Ombudsman found that the reason for non-approval of leave in the case of female employees working 35 hours or more in a week was unfair, especially considering that such a benefit is allowable by law in respect of employees in the private sector. The complaint was therefore upheld and it was recommended that complainant be granted the requested maternity leave. It was also recommended that the policy on the matter be reviewed. This was accepted and the Management and Personnel Office issued a circular announcing the revised policy. (Case No. 1777)

In another case, a part-time female employee who had applied to fill a post on a full-time basis with the Education Division in the Public Sector complained that at the time when the Selection Board of the Public Service Commission called her for an interview, the applicant was accompanying her gravely ill child on medical treatment abroad. On her return, immediately following the death of her child, the selection process was over, even though the applicant had been assured that she would be interviewed at a later date. On the recommendation of the Ombudsman, the Public Service Commission agreed to reconvene the Selection Board, provided that if successful, the Public Service Commission consider her appointment.

Another complaint was received from a bank employee who felt that she had been treated unfairly when she was overlooked in a promotions exercise to a higher grade. From the investigations carried out it transpired that the selection board had penalised female employees who were either on Child Care Leave, Maternity Leave or returning from similar special leave. For this reason although the complainant had very good performance ratings by her immediate superiors was given a very poor mark by the Selection Board for merit.

The Ombudsman established that the marks awarded to candidates who like complainant had availed themselves because of gender or family issues were unjust. He concluded that complainant suffered unfair and discriminatory treatment because she had exercised her rights. Such discrimination was against government policy and therefore, the complaint was upheld. (Case No. 1951)

Another recent example is that of a Health Department employee in the Public Service. According to the Case Notes published in October 2000, the employee alleged that she was denied maternity leave while she was still on approved unpaid study leave. The Ombudsman concluded that although the complaint was not justified, the employee may be entitled to maternity benefit if she satisfied the requirements pertaining under the Social Security Act, 1987.

2.10 Elimination of Discrimination

In 1991, when Parliament approved the Constitutional amendments on equality between the sexes, it granted a two-year period within which all Maltese legislation was to be reviewed in order to eliminate all provisions which ran counter to the sex-discrimination provisions as incorporated in the Constitution. Section 45(10) provided that from 1 July 1993, any law inconsistent with Section 45 of the Constitution may be addressed in the local courts.

2.11 Legislative Reforms

Following the above amendments, Circular MSP 35/91, was issued whereby all Heads of Government Departments were directed to:

i) review the laws and procedures applied by their respective departments;
ii) review existing discriminatory practices; and,
iii) to submit suggestions that redress such discriminatory practices.

As a result of this review, several laws in the Constitution were amended. These laws include the Civil Code, Passports Ordinance, 1928, Social Security Act, 1987, the Income Tax Act, 1949, the Criminal Code, and, the Maltese Citizenship Act, 1964. Other laws enacted after 1993 also reflect gender equality. For example, the Employment and Training Services Act, 1990, the Broadcasting Act, 1991, and the Education Act, 1988.

Substantial amendments were brought to the Civil Code, through Act XXI of 1993 in so far as the law regarding the family is concerned. Radical changes were made in order to give equal rights to married women and to give married couples equal rights regarding parental authority and the administration of common property. The Civil Code had previously defined the husband as the sole head of the family, in whom was vested full authority over minor children and community common property acquired after the marriage together with its administration. Act XXI of 1993 amended the Civil Code and curtailed the father's and the husband's undisputed dominance over the family. It also provided that both spouses be placed on an equal footing in their relations *vis à vis* one another, as well as in relation to their children.

Following amendments to the Civil Code, other amendments were made to the Passport Regulations, 1993, to the effect that the signature of both parents is required for the issue of a minor's passport. Although both signatures are required by the Passport Office, either parent may file the application form, presenting the required photographs, certificates and identity cards of minor's father and mother.

The Social Security Amendment Act of 1991 repealed Section 17(3)(c) which read **any contributions paid by a woman before the date of her marriage shall not be taken into account on any claim for such benefits made subsequently to that date**. This provision was discriminatory as this meant that upon marriage, female employees were obliged to pay national insurance contributions afresh. In 1996 another amendment was made to the Social Security Act, 1987, concerning the definition of the head of household. Prior to the amendment, the law recognised the husband as the sole head of the household. The new provisions define the head of the household as **such person, as in the opinion of the Director of Social Security, is the head of the household**. The remaining discriminatory practices found under the Social Security Act will be redressed by the end of 2002.

The Criminal Code (Act No. XXIX of 1990), repealed Section 236 which provided for adultery and punishment due.

The 1994 amendments to the Civil Code, made it possible for women to act as jurors. Whereas, previously, it was only possible for a woman to act as a juror through her application, the new amendments to the Civil Code provide that any person can be summoned as juror, regardless of sex. Furthermore, these

amendments also provide that a person who has the care of a family or of a person who suffers from any physical or metal infirmity, may be exempted from serving as a juror.

In 1989, the Income Tax Act, 1949, was amended to the effect that the wife's income may be computed separately from that of her husband. In 1996, this Act was amended once again, to eliminate discrimination against married women. Through Act XX of 1996, married women may file a joint income tax return with their husband. Before the enactment of these provisions, the husband was the only recognised person to file an income tax return on behalf of himself and his wife. The spouses have the right to elect the responsible spouse, be it husband or wife.

Through amendments to the Maltese Citizenship Act, 1964 (Act IV of 2000), a Maltese woman who settles in her husband's country may apply for dual or multiple citizenship while retaining her Maltese citizenship.

A Maltese woman who marries a non-resident of Malta need not leave her country of origin, as her husband is now entitled to register as a citizen of Malta upon the lapse of five years from the date of marriage and provided that the spouses have lived together during this period of time.

Under the new provision (Act X of 2000 Part III), any person who on or after the appointed day marries a person who is or becomes a citizen of Malta shall be entitled, upon making application is such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta, after having lived with the spouse for 5 years.

Part X of Act X of 2000 states that:

It shall be lawful for any person to be a citizen of Malta, and at the same time a citizen of another country.

2.12 Departmental Practices

Apart from reviewing and amending discriminatory legislation, all government departments and parastatal organisations were requested to review current practices and redress those that were discriminatory against women. OPM Circular 5/94 was issued in order to direct government departments and parastatal organisations to bring their practices in line with the 1993 amendments to the Constitution of Malta and to the Civil Code (Family Law).

Most changes in departmental practices reflect the law that recognises the joint consent of married spouses and to eliminate ethnocentricity. Application forms such as, birth and death certificates and wills were reworded; the procedures for the leasing of land to farmers; procedures concerning borrowing of books from public libraries; forms regarding parental authority issued by the Department of Education were also altered.

2.13 Code of Ethics for Public Officials

In 1994, a new code of ethics for officials in the public service stipulated that public officers cannot harass or discriminate in work practices, *inter alia*, on grounds of sex, marital status, pregnancy, and sexual preference.

2.14 Violence Against Women

Violence-related crimes against women can be classified into:

- Domestic violence;
- Sexual abuse.

Under Maltese domestic law, provisions against gender based violence, together with remedies, are provided for under both Criminal, and Civil Codes. Legislation specifically targetting domestic violence is being prepared.

2.15 Criminal Legislation on Violence

In terms of the Criminal Code, bodily harm is a crime of varying gravity. It can be grievous, excusable, or slight and of small consequence, with punishments ranging from a fine to imprisonment. Under Maltese law a distinction is made between bodily harm committed on a person and bodily harm that is inflicted on a pregnant woman and which causes miscarriage. The latter case is considered to be the more serious and consequently, is subject to a higher penalty than if it merely hastens delivery of child.

Many cases of domestic violence are considered to be slight bodily harm when they consist of bruising without fractures or entailing short term recovery periods. Where bodily harm is slight, proceedings are initiated on the complaint of the injured party who may also request the court to bind over the accused by what is known as a personal guarantee, normally for a period of a maximum of one year. Moreover, the prosecution of the case would also be in the hands of the injured party (Art 373 Criminal Code).

Crimes of rape and violent indecent assault are enlisted under the title *Crimes against the Peace and Honour of Families, and against Morals* in the Criminal Code. The definition of rape given by the code is carnal knowledge with violence. The punishment prescribed for such an offence is imprisonment for a term of from three to nine years, with or without solitary confinement. No distinction is made between rape within or outside of marriage. Moreover, a women's rights within marriage were strengthened by the introduction of the equal rights amendment to the Maltese Constitution in 1991 and resultant widespread reforms to the status of married women under Civil Law in 1993.

Violent indecent assault is defined in the Criminal Code but consists of any sexually related assault that does not constitute rape or any other crime listed under the Criminal Code. Anyone found guilty of such crime is liable to imprisonment for a term of from three months to one year, with the possibility of increased punishment in cases of aggravated circumstances.

2.16 Civil Legislation on Violence

A victim of domestic abuse can initiate civil proceedings for personal separation against the abusive spouse. By virtue of an amendment introduced in 1993, Section 470 of the Code of Organisation and Civil Procedure provides that a spouse may, at the very inception of proceedings for personal separation, request the Court to decide on which of the spouses is to to leave the matrimonial home. This constitutes an important remedy and safeguard for battered women who have, in the past, been

deterred from taking action so as to avoid upheaval on their departure from the matrimonial home, that is particularly detrimental to the children.

2.17 Other Measures on the Elimination of Violence against Women

The awareness of violence against women has today increased. In January 1991, the Minister for Social Policy, set up an inter-departmental Action Team on Violence Against Women. This team brought together representatives from key government departments, trade unions and NGOs. The terms of the Action Team were: the evaluation of the incidence of violence against women in Maltese society and the formulation of a Plan of Action to combat such violence, rape and sexual harassment.

The report submitted by the Action Team included various recommendations on concrete action to be taken through legislation and by non-governmental organisations working in the field of domestic violence, rape and sexual harassment.

The Plan of Action was put into effect with a series of measures, foremost among which was the setting up of the Domestic Violence Unit (DVU) alongside the Child Protection Unit. In July 1997, two officers from the London Metropolitan Police visited Malta in order to lecture staff of the Domestic Violence Unit and newly-appointed police inspectors on domestic violence. This visit was part of a programme between the Domestic Violence Unit and the Police, in order to create greater awareness and to offer support to victims. A White Paper on domestic violence legislation was published in 1998 and a draft Domestic Violence Bill was presented to the Minister for Social Policy in March 2000.

The main aim of the Domestic Violence Unit is to support victims of abuse, help them find shelter when it is requested, link them to other necessary services and empower them. This unit also provides the Men's services, which aim is to aid perpetrators to control their violent behaviour. The DVU is also committed towards the prevention of violence, through education.

As part of its work, the DVU has also formulated guidelines for doctors and nurses, police, social workers, the clergy and counsellors, to enable them to detect violent abuse of women and to deal appropriately with victims of violence.

Furthermore, the Domestic Violence Unit has set up two support groups for abused women, and previously provided a support line for adult and child victims of abuse, which is now manned by Supportline 179 service.

During the month of January 2001, the DVU received 26 new referrals and had 5 cases re-opened. In February 2001 the unit received 21 new referrals and 13 cases were re-opened. Since it opened its doors, i.e. 1994 DVU dealt with over 2,000 service users.

In Malta, the first shelter for victims of domestic violence was set up a number of years ago by religious women. The shelter is supported by fund-raising but is also financially subsidised by the State. Another church-run shelter is also State subsidised. In 2000, a State-run shelter was opened to take in battered women and their children. The latter service is in fact run by agency APPOGG under the portfolio of the Domestic Violence Unit.

In 1993, a special Police Victim Support Section within the Vice Squad was set up, consisting primarily of female police officers whose task is to investigate cases of domestic violence referred to them by district police. This Section, coupled with gender sensitive training given to trainee police officers at the Policy Academy, provides a victim of abuse with the necessary support, understanding and assistance by the Police at the moment of the reporting of the crime and during the investigation.

The inclusion of this unit within the Vice Squad secures an overall competence to its members which enables them to take action in any locality, although a report must actually be lodged with the district police station. The members of this police unit also refer victims to all available services including the Domestic Violence Unit, medical treatment (this referral is also done by the district police) and the shelter for battered women.

2.18 National Machinery on Gender Equality

The national machinery consists in the Commission for the Advancement of Women and the Department for Women in Society and falls under the responsibility of the Ministry for Social Policy.

The terms of reference of the Commission for the Advancement of Women are:

- to promote a society which embraces all women and respects the diversity of their experience (without discrimination based on age, social status, marital status, race, religious belief, disability, etc.);
- to promote gender equality and the advancement of women in the political, social, economic and cultural spheres of Maltese society;
- to advise on the strengthening of the national machinery for the advancement of women;
- to ensure that Maltese legislation reinforces the principle of gender equality, provides protection against discrimination, and enables women to achieve equality in practice;
- to advise and assist the government in the implementation of the UN Convention on the Elimination of all Forms of Discrimination Against Women;
- to work the building of a society, communities, families, and places of work, education and leisure, which are totally free from all forms of violence against women, while, at the same time, striving to improve the situation of women who are victims of violence;
- to ensure that Maltese women participate fully at all levels of decision-making;
- to work towards a society which ensures the total well-being and health of women and their families.

The Department for Women in Society is the executive arm of the Commission for the Advancement of Women. The objectives of the Department are:

- to promote and encourage the effective implementation of the principle of equality between women and men in every sphere of Maltese life;
- to promote effective co-responsibility of women and men in public life as well as within the family;
- to ensure that in the enactment of all legislation and in the implementation of Government policies, the role of women receives the fullest consideration;
- to increase the participation of women at all levels of decision-making;

- to work for the creation of the necessary circumstances to enable women to assume positions of leadership and responsibility at all levels in Malta's development process and at all levels of management.

The national machinery does not have a mandate to assist women to institute court or other legal proceedings. However, it officially assists women's complaints on sex discrimination.

The proposed White Paper on Gender Equality legilslation published in March 2002, lays down that discrimination based on sex is:

(a) the giving of different treatment to men and women on the basis of their sex;
(b) treating a female differently for reasons of actual or potential pregnancy or childbirth;
(c) treating men and women differently on the basis of parenthood, family responsibility or for some other reason related to sex;
(d) any treatment based on a provision, criterion or practice which disadvantages a substantially higher proportion of members of one sex unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex.

Nothing in subarticle (2) of this article shall be deemed to constitute discrimination in so far as such treatment -

(a) is given to grant special protection to women during childbirth or pregnancy;
(b) constitutes measures for the purpose of achieving substantive equality between men and women.

ARTICLE 3
The Development and Advancement of Women

3.1 Gender Equality Policy

The Maltese Government has constantly reaffirmed its commitment to the attainment of equality between women and men. In 1987, an integrated approach was adopted in order to strive for women's equality and advancement in the legal, civil, political, economic and social spheres of Maltese society. The Government Work Programme in 1987 emphatically stated that: **the Government will remove discrimination between men and women so as to bring about complete equality of the sexes. The proposed legislation will be supplemented by practical measures which will give further significance to this equality.**

After the elections of 1998, the Government set itself a full agenda to implement gender equality in all strata of society progressing from an equality of opportunity to advocacy towards an equality of outcome. Five main areas of concern have been identified for specific action:

- Gender mainstreaming;
- Women's participation at the decision-making level;
- Women's participation in the labour market and the reconciliation of work and family responsibilities;
- The elimination of violence against women;
- Support for single mothers and women who are victims of drug and alcohol abuse.

3.2 National Machinery on Gender Equality

In 1989, the national machinery on gender equality was set up with the main objectives:

- To promote gender equality;
- To eliminate sex-based discrimination;
- To promote the advancement of women in the political, economic, cultural and social spheres.

The National Machinery is composed of the Commission for the Advancement of Women and the Department for Women in Society. These two entities fall under the responsibility of the Minister for Social Policy. The Commission for the Advancement of Women provides policy advice on gender equality. It is composed of 10 members of both sexes, who meet once a month. Apart form providing policy advice, the Commission raises public awareness on equality issues, mainly through, public debates, research studies, publications, information programmes, and co-operation with media professionals.

The Department for Women in Society implements the policies on gender equality. It stimulates initiatives and ensures that government decisions, policies and programmes have a positive impact on women. It monitors the progress of legislation and follows closely any resulting developments. The department endeavours to stress the responsibility of each Ministry and department to ensure gender equality in their relevant policies and programmes. The departments are encouraged to take into account women's concerns, and to develop projects, which

have a favourable impact upon women. The mainstreaming of gender equality in government structures is achieved through the focal points on gender equality. These officials identify changes that are needed in their respective working environment so as to bring about equal opportunities for women and men.

Achievements attained in Malta materialised with the political commitment to eliminate discrimination against women. In addition, the relentless hard work put in by the national machinery has created public awareness on the issues of gender equality and has translated into action discourse on equality of opportunities.

The national machinery has ensured that women's needs and concerns are taken fully into account in the development and implementation of Government policies and programmes. Awareness raising on gender equality among policy-makers and the general public was the priority, paralleled by action in other important areas, namely:

- elimination of discriminatory legislation and practices;
- access to equal opportunities in education and employment;
- reconciliation of family and work responsibilities;
- increase in the presence of women in decision-making;
- response to domestic violence;
- consolidation of gender specific data;
- keeping gender specific data;
- keeping the public informed on programmes and measures formulated to improve the status of women.

Since its establishment, the national machinery has been the driving force, which brought about a change in the legal status of Maltese women. Consequently, from a status of inferiority, women were gradually raised on an equal footing with men. Women now enjoy equal opportunities in education, and participate more fully in the labour market and in public life.

Between 1989 and 1993, the work of the national machinery was directed towards:

- the promotion and strengthening of the principle of equality;
- the removal of all legal discrimination against women;
- ensuring *de facto* equality.

In this first phase, the priorities included:

- campaigns in order to raise gender awareness among policy makers and the general public;
- a review of the law in order to eliminate any gender based discrimination;
- the changing of various laws to afford protection against gender based discrimination;
- equal opportunities for women and men, at all levels of education, training and employment;
- training programmes on gender equality, for public officers.

Between 1993 and 1996, the national machinery continued to promote gender equality not only in the public sector but also in the private sphere. It worked closely with national institutions, media professionals, NGOs and constituted

bodies. Sex-disaggregated statistics were collected and published. At the same time, the national machinery continued the process of legislative changes, and the improvement of the conditions of work for women. Public debate was expanded to new areas, with special focus on:

- the role of the media in promoting equality;
- adequate representation of women in the highest positions of decision-making, particularly in public bodies and in politics;
- women's health issues;
- the elimination of violence against women;
- the reconciliation between family and professional responsibilities.

3.3 Post-Beijing

After the Beijing World Conference on Women, the national machinery drew up a National Plan of Action to cover the years 1997-2000:

- The mainstreaming of gender equality in all sectors of Maltese society, through the strengthening of the national machinery, education and training on gender equality, and co-ordination with media professionals.

- The increase in the representation of women in decision-making, giving women a more effective voice in Parliament, local councils, political parties, trade unions, public boards and committees, Government delegations, the public service, the judiciary, and in education, employment, health and the economy.

- The reconciliation of family, work and civic responsibilities, through equal opportunities in employment and greater co-ordination between employees, trade unions and NGOs.

- The elimination of violence against women, particularly domestic violence.

- Assisting women to overcome social problems, particularly single parent families, and women with problems related to drugs, alcohol and gambling.

- Continuation of the process of legislative reforms in order to ensure the elimination of gender discrimination.

- Equal access to education and training, with particular reference to the areas of new technologies, and to the mainstreaming of gender equality through the education system.

- Improvement in women's health by giving adequate attention to issues related to women's health such as breast cancer, mental and emotional health and occupational health and safety.

- Co-operation with international organisations, through the effective implementation of international conventions that promote the advancement of women and which have been ratified by the Government of Malta, together with the implementation of the Platform for Action

adopted at the Beijing World Conference, and the Plan of Action on Women and Development of the Commonwealth Secretariat, approved in Malta in 1995.

- The implementation, monitoring, and evaluation of the Programme for Action 1997-2000.

Each section of the Programme for Action 1997-2000 spelt out:

- the main objectives to be reached;
- the desired goals;
- the identification of links and partnerships with institutions and bodies;
- the strategies;
- the concrete action to be taken for the implementation of the Programme and for its monitoring and evaluation.

The National Machinery is in the process of formulating another Plan of Action for 2001-2005. It is also focusing on Gender Mainstreaming within government.

3.4 Post-Beijing Achievements

Over the last decade, Maltese legislation was reviewed and most discriminatory practices were redressed.

Discriminatory practices still pertain particularly in the Social Security Act, 1987, and the Port Workers Regulations, 1993, under the Port Workers Ordinance. It is envisaged that all legislation which continues to be discriminatory will be abolished by the end of 2002.

The main legislation which now ensures the rights of Maltese women are the following:

- The Constitution of Malta;
- The European Convention Act, 1987, implementing the European Convention on Human Rights and Fundamental Freedoms, 1950;
- The Civil Code regarding family legislation.

In 1991, the right to protection and redress against discrimination based on sex was entrenched in the Constitution of Malta. The Constitution also expressly allows special temporary measures aimed at accelerating *de facto* equality between women and men.

In 1987, the European Convention on Human Rights and Fundamental Freedoms was directly incorporated into Maltese domestic law. The Convention is enforceable in the Civil Court and, on appeal being lodged, in the Constitutional Court.

In 1993, family legislation was amended to remove discrimination against women in marriage. Both partners now have equal rights and responsibilities in marriage, joint responsibility for their children, and joint responsibility for the administration of property acquired during the marriage. Prior to 1993, married women were legally inferior to their husband as the Civil Code recognised the husband as the

sole head of the family, with authority over the children and in the administration of the couple's patrimony.

The amendments to the Constitution and the Civil Code brought about changes in various other laws which discriminated against women. For example, the Criminal Code, Jury Service, the Passport Regulations, 1993, the Income Tax Act, 1949, all redressed discriminatory practice. The Social Security Act, 1987, await amendments that abolish persistent discriminatory practices. Reforms were also made to departmental policies and practices that bring them in line with the Constitution and the provisions on family law as contained in the Civil Code.

Malta has ratified and implemented the major international conventions which impact favourably on women's advancement, such as:

- The UN Convention on the Elimination of All Forms of Discrimination Against Women;
- The European Social Charter;
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 111 on Discrimination in Respect of Employment and Occupation.

3.5 Education

Maltese women enjoy equal access to education, which is free of charge, at all levels, from kindergarten to University. The past decade registered an ever-increasing number of women who further their studies at post-compulsory level. To date, women make up 54% of the student population at the University of Malta. However, women are not represented equally in every area of study although this is changing, albeit gradually. Whereas previously, women were concentrated mainly in the Faculties of Arts, Education and Health, large numbers are today joining the Faculties of Law, Science, Medicine and Surgery, and Economics, Management and Accountancy. The areas of study least popular with women are Architecture, Civil Engineering, and Mechanical and Electrical Engineering. The predominance in these faculties is male. Many adults today are taking up their studies once again, both at secondary and tertiary level. Among these mature students is a substantial number of women. As at December 2000, there was a total of 323 mature students, 147 of whom were women (Table 3.1).

3.6 Employment

Job opportunities for women, particularly in the part-time workforce, have increased considerably. The notion of work outside of the home, particularly among married women, is relatively new, as it was only in 1981 that female public officers could remain in employment following the removal of the marriage 'bar' which remained in force until December 1980. Women's share in the Labour Supply was 29 per cent in 2000, while the female unemployment rate stood at 2.2 per cent.

The conditions of work of female employees in the public sector were improved to redress sex discrimination. In the Management and Personnel Office (MPO) in the Office of the Prime Minister (OPM), policies were adopted to allow part-time teaching staff, the majority of whom are women, the full unpaid leave entitlement afforded to full-time staff. Another measure was to the effect that Government

female employees became entitled to the full maternity leave (13 weeks) in the case of premature births. Nurses working in State hospitals and health clinics were allowed to work on a casual basis during their unpaid parental leave.

Another important issue taken up by the MPO was that of eliminating sexist language in calls for application issued through OPM circulars and notices in the Government Gazette. The language used in these circulars was reviewed and greater effort was made to ensure that the vacancy/post being advertised is open equally to women and men. The elimination of gender biased language in calls for application encouraged women to apply for employment that was traditionally male oriented.

The Staff Development Organisation (SDO), which provides the training of public service officials, is also including a gender perspective in its training. One such instance is the training course on interviewing techniques for public officials serving on selection boards. A special session is dedicated to equal opportunities and the avoidance of sex bias. Public officials are urged to make assessments as objectively as possible. They are also encouraged to be aware of the danger of holding beliefs about sex differences in the abilities and physical characteristics, and to resist them at all times.

The recruitment of women in the postal service was introduced for the first time in Malta in 1988. Consequently, the Department of Posts introduced bicycles suitable for women, as those which were previously in use were only adequate for use by men. Luggage carriers were also introduced in order to alleviate heavy loads, not only for women, but also for men.

The University of Malta set up a Committee for Gender Issues in 1991 and has drawn up a set of procedures for dealing with complaints of sexual harassment. The Committee has also been instrumental in the setting up of the Child Day Care Centre at the University, open to academic and administrative staff and students. The service is provided all year round.

3.7 Reconciliation of Work and Family Responsibilities

The reconciliation of work and family responsibilities is one of the main areas of concern identified by the national machinery after the Beijing World Conference. Notwithstanding the fact that women enjoy equal opportunities in education, many of them still find it difficult to remain in the labour market during child-bearing and nurturing, and to reconcile work and family responsibilities.

Several measures were taken to help workers reconcile work and family. Female employees are entitled to 13 weeks maternity leave with full pay. As from January 2001, a female employee who is pregnant may take an extra one-week of leave either at the start or at the end of the maternity leave. This week is unpaid.

Female and male public sector employees enjoy 12 months unpaid parental leave and a three-year unpaid career break. Reduced hours and responsibility leave for public service employees were introduced in June 1999 through OPM Circular 25/99.

State kindergartens that are free of charge, were opened in 1974. These are found in every town and village. Children below the age of 5, which is the compulsory

school age, may be registered, thus permitting more women to participate in the work-force. Eligibility for registration is from the age of 3.

Other measures taken since 1995 include:

i. improved conditions of work for part-timers. Employees working 20 hours or more, and whose job is their primary source of income (the majority of whom are women), enjoy proportional benefits such as vacation, sick, and bereavement leave;
ii. the one year unpaid parental leave, enjoyed by female employees in the public sector, was extended to men who are also employed in the public service;
iii. the introduction of a 3-year career break, to allow public sector employees to care for children under the age of five;
iv. the introduction of Summer School Programmes for primary school children.

Moreover, regulations related to the protection of pregnant workers at the work place were reinforced.

3.8 Protection of Maternity

The Protection of Maternity at Work Places Regulations, 2000, were published on 11 April and came into force on 1 January 2001. These regulations, which were published under the Occupational Health and Safety (Promotion) Act, 1994 seek to further enhance the protection enjoyed by pregnant women, or by women who have recently given birth or are breastfeeding at the place of work. The regulations moreover introduce one week of special leave which may be availed of by women at the start or at the end of the thirteen weeks of maternity leave. The special leave of one week is unpaid.

A pregnant women is to inform her employer of her condition, who in turn assesses circumstances detrimental to her health and safety.

After conducting the assessment, the employer is bound to inform the pregnant or breastfeeding worker or worker who has just given birth of the nature and degree of any hazard present at the workplace. An employer may never compel the worker concerned to perform duties, which would expose her to the risks so assessed.

Whenever a risk to the health and safety of the employee is found to exist the employer has to do all in his power to remove the risks assessed and this may be done either by adjusting the working conditions or working hours of the employee in question or by assigning the employee to another job which does not expose her to such risks and which is to have the same conditions as her previous job. Should the employer not be able to do the above, the employer is bound to grant the employee an extension of her maternity leave for the whole period necessary to protect her safety or health or that of her child whether born or unborn.

A pregnant worker or a worker who has just given birth or is breastfeeding may continue to perform night work unless such work is detrimental to her health. In this case the employee may submit a medical certificate to the employer stating the same. If the employer's medical officer does not agree with what is stated in the medical certificate submitted by the employee, the matter shall be conclusively decided by the Director of Labour in the sole interests of the health and safety of the employee. In any case an employee who is pregnant or has given birth or is

breastfeeding will not be required to perform night work between the eighth week preceding the expected date of delivery and the twenty-first week after such commencement since in this period it is automatically assumed that such night work would be detrimental to the health of the employee and to her child.

The female employee when availing herself of the provisions on maternity leave or the other provisions of the regulations intended for her protection or that of her child enjoys the same guarantees against dismissal from employment as afforded by the Conditions of Employment (Regulation) Act, 1952.

3.9 Women in Decision-Making

The representation of women in decision-making is crucial to gender equality as the number of women in high level posts is low. Over the past years, positive measures were taken to increase women's representation at all levels of decision-making.

Over the last four years the percentage of women in the top five scales in the public service rose form 5% in 1997 to 12% in 2000. In the judiciary, three women were appointed magistrates. However, no woman has as yet been appointed judge. In diplomatic service, women were appointed to the post of Counsellor and in 2001 a woman was appointed to the rank of non-resident ambassador.

The national machinery has undertaken various measures aimed at increasing women's participation in politics, both at the local level and at the national level. Media professionals were involved in initiatives to get the message across to the general public. The national machinery also lobbied political parties to encourage women to overcome cultural obstacles in the field of politics.

The national machinery has been successful in its drive particularly through public pronouncements made by leaders of political parties. Political parties encourage women to stand for elections and provide them with adequate support during electoral campaigns.

Training programmes for women councillors working at the local level are regularly organised by the national machinery. These programmes are providing women with appropriate tools for a political career.

As a result of efforts and initiatives, several positive developments were registered in the political sphere. The number of women candidates standing for elections both for local councils and Parliament has increased substantiality. Moreover, the number of elected women has also increased both at local and national level.

3.10 Access to Economi Structures

Irrespective of marital status, women have access to loans and credit, may hold title to land, and sign contracts related to credit, real estate, and commercial transactions, subject to the requirement of the Community of Acquests. Any loan entered into by the husband or wife needs the endorsement of the spouse.

Single women may administer property indipendently of male consent.

Amendments to the Family Law in 1993 removed discrimination against married women in matters related to banking and finance. Today, married women may

administer property acquired before marriage (paraphernal property) and to administer jointly with their husband all property acquired during marriage.

3.11 Social Security Benefits

Women many benefit from social security schemes related to family, employment and retirement.

Malta has an extensive system of family benefits which includes: maternity benefits for women who are not in employment; marriage grant for a person who has been employed or self-employed for at least six months; children's allowances for every child up to the age of 16 and extended to children between the age of 16 and 21 who are still attending full-time education and receive no remuneration or to the said child if registering to seek his first employment under Part I of the Register of Employment; allowance for disabled children; assistance for destitute women; assistance to persons incapable of working; allowances paid to single parents with custody of their own child/children.

Provision of health care within the public sector is free of charge at point of use for all Maltese citizens irrespective of means. This includes primary health care and hospital service. Moreover, a number of pills listed in Schedule 5 of the Social Security Act are available free of charge. However, further free medication is also given to means tested individuals who suffer from chronic illnesses or diseases.

Widows are entitled to a widow's pension. Widows and single parents with children below the age of 16 may seek employment without losing entitlement to social benefits. Widowers are entitled to a pension if they are unemployed and have custody of minor children.

Single or widowed women responsible for handicapped or elderly relatives on a full-time basis qualify for social assistance, and can also qualify for a pension which is subject to a means test.

Female employees have equal rights to sickness benefits, special unemployment benefits, injury benefits, and invalidity pension and retirement pension.

3.12 Support for Teenage Mothers

A centre for schoolgirl mothers, run by the Education Division, commenced as a small-scale project in 1989. The Centre provides education and support to teenage mothers of compulsory school age.

Teenage mothers are encouraged to cope with their new role, and are given courses on parenting skills. Counselling service is available to young mothers and partners.

3.13 Health

Malta has had a long-standing commitment to improving the health of its population. Basic social improvements – housing, sanitation, a safe water supply and domestic hygiene, in association with a general rise in education standards, have helped eradicate infectious diseases.

Life expectancy is higher than the European average and is constantly better for women for all ages. In 1999 life expectancy at birth for women was 79 years and 75 years for men.

Multi-sectoral policies relating to health and nutrition have enjoyed wide support at governmental level.

The Health Division periodically identifies key areas, that require improvement in health. These key areas may be actual or potential causes of death or avoidable ill health or health-related psychosocial problems.

In Malta there is equity of access to health care services and facilities, which are free of charge, regardless of sex, locality of residence and social class.

Antenatal, and post-natal services are provided free of charge. Family planning advice and services are provided through the post-natal clinics within health centres.

Women's health is one of the issues that is given priority by the national machinery, a process that involves both print and broadcasting media. Programmes related to women's health issues are broadcast on national television station and leaflets in the Maltese language on women's health-related issues are published and distributed in hospitals, health centres and to students attending secondary schools.

Sex education was introduced in schools in 1990 following proposals submitted to the Education Division by the national machinery on gender equality. The National Minimum Curriculum Regulations, 1990 (Secondary Level), identified 'Family Life Education' as one of eight principal areas requiring special attention. Personal and Social Education is a compulsory educational unit at secondary schools.

3.14 Elimination of Violence against Women

In January 1991, an inter-agency Action Team on Violence Against Women was set up by the Ministry for Social Policy which brought together representatives from key Government departments, trade unions and NGOs. The terms of reference included drawing up a report on the situation of violence against women, domestic violence, rape, and sexual harassment, and a Plan of Action.

In 1992, the Action Team presented the Minister for Social Policy with a report on violence against women and sexual harassment in Malta, which included various recommendations for the enactment of legislation.

Following the lapse of the terms of the reference of the Action Team on violence against women, in 1993, an Inter-Agency Forum was set up which evaluated the services offered. The Domestic Violence Unit, (DVU) was founded in August 1994 alongside the Child Protection Unit.

The main aim of the Domestic Violence Unit is to support and empower victims of abuse, help them find shelter when it is requested, link them to other necessary services. This unit also provides a service which aids perpetrators to control their violent behaviour. Social workers provide professional interventions which enable the service user's capacity building. The Unit is also committed towards the prevention of violence, through education and the media.

Furthermore, the Domestic Violence Unit (DVU) has set up two support groups for abused women. A support line for adult and child victims of abuse run by trained volunteers was set up early in 1996 and it is now manned by Supportline 179 service. In January and February 2001, the DVU received respectively 26 and 21 new cases of domestic violence. In January 2001, Men's Services received four new referrals and three new referrals were received in February 2001.

In Malta, there is one shelter for victims of domestic violence which is run by religious women. This shelter receives an annual subsidy by the State. A second shelter for victims of Domestic Violence was set up in collaboration between the State and ecclestiastied authorities. A third shelter run by the national social welfare agency APPOGG was opened in 2000. It accommodates women and their children.

A White Paper on Domestic Violence Legislation was published and discussed in 1998, and a draft Domestic Violence Bill was presented to the Minister for Social Policy in March 2000.

In June 1993, a Victim Support Section was set up within the Malta Police Force, which forms part of the Vice Squad and is made up of female personnel. The duties carried out by the Victim Support Section include investigating domestic violence and sexual offences.

Established in January 1996, the Family Therapy Service is a psychological service that works therapeutically with families undergoing various types of stress. Family Therapy is a method that focuses on the family as a whole system.

The aims of the family therapy service include offering families new ways of perceiving and analysing their problems, and alternative ways of coping. The service aims to assist clients assimilate what happens in therapy into their day to day living, so that they eventually terminate the service they receive from the therapist and engage with newly acquired skills that help them deal effectively with their lives.

Support service is also given to couples whose cases appear in front of the Civil Court, and whose case is referred to the Department for Family Welfare. Furthermore, the national agency APPOGG also provides the court services which incorporates services such as supervised access visits, separation mediation and reports to courts on issues such as the children's custody. The setting up of a Family Court is in the pipeline. A national Commission for the Family was set up in May 2001.

3.15 Drug and Alcohol Abuse

The State funded agency for the protection from alcohol and drug abuse (SEDQA) offers various specific support and prevention services for children, youths and adults. The Agency offers financial aid and human resources to non-governmental organisations to enable them to organise activities against drug and alcohol abuse.

Drugs and alcohol prevention programmes are organised for students, parents and teachers in primary and secondary level schooling and for the general public in the community at large in collaboration with Local Councils.

3.16 HIV and AIDS

During the compulsory courses of Personal and Social Education, students in secondary schools are briefed on the dangers of contracting AIDS and on preventive measures.

The Health Education Department has organised a nation-wide campaign on the Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS). The Department has published various booklets on the risks of contracting AIDS and the necessary precautions to be taken against the spread of this mortal disease. These publications are free of charge to the general public.

3.17 Public Awareness of Legal Rights

The national machinery has organised information campaigns on women's issues and on the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). These campaigns targeted senior public officials, the judiciary, teachers of social studies, and the general public.

i. During 1990 and 1991, two series of 13 programmes each, were broadcast on State radio, providing information on women's legal rights. Discussion programmes on radio and television also focused on these rights.
ii. Training on equal opportunities was held in 1990 for teachers of social studies.
iii. A three-day seminar for senior public officials was held in 1991, on women's legal rights, and discriminatory practices.
iv. An intensive information campaign regarding the amendments to the Civil Code (on the provisions covering the family) was also carried out. The campaign was aimed at the general public, but also targeted the legal profession, family counsellors, social workers, teachers, women's organisations, parish organisations, and parents' organisations.
v. In 1993 and 1994, briefing sessions on the same amendments to the Civil Code were held for public service officials.
vi. Guidelines were drawn up to bring departmental policies and regulations in line with the new concepts introduced with the Civil Code on the law relating to the family, and with the gender equality provisions entrenched in the Constitution of Malta.
vii. Briefing sessions on the CEDAW and its implementation were also held for senior public officers. The officials were sensitised to the Government's commitment to gender equality and made aware of each Ministry's and department's responsibility to ensure implementation of the Convention. The implementation process was later endorsed by Cabinet.
viii. The initial, second and third periodic reports on the CEDAW drawn up in 2001.

3.18 Future Goals

In Malta, a great deal has been accomplished over a short period of time, to bring about legal and *de facto* gender equality. However, the advancement of Maltese women, while significant, remains of concern in certain areas, particularly in employment and in decision-making. Although women may have full legal rights and equal access to opportunities in education and employment, their participation in the labour market is slow. While job openings have increased, women tend to remain concentrated in low level part-time jobs. The female labour market

participation rate for full-time employment in 2000 was a low 32 per cent. The reconciliation of family, work, and public responsibilities is another major aspect, which requires special attention and effective strategies.

Malta identified 5 major areas, which call for more commitment towards the achievement of *de facto* equality:

- the mainstreaming of gender equality;
- the reconciliation of work and family responsibilities;
- the increase of women's representation in decision-making;
- the elimination of violence against women;
- giving women the tools to overcome social problems related to single parenthood, drug, alcohol and gambling.

3.19 Gender Mainstreaming

On 26 June 2000, OPM Circular 24/2000 on Gender Mainstreaming, was issued by the Head of the Public Service, and forwarded to Ministers and Parliamentary Secretaries, and senior public service officials. The Circular outlined the Government's policy on Gender Mainstreaming and its implications.

This policy had been reiterated by Cabinet, during a meeting held on 8 March 1999. Cabinet reaffirmed its commitment to promote gender equality and to adopt the strategy of gender mainstreaming for the achievement of *de facto* equality for Maltese women. It also approved recommendations made by the Minister for Social Policy for the initiation of concrete action.

Prior to this decision, the Maltese Government, together with other governments, had endorsed the Platform for Action of the U.N. Fourth World Conference on Women, held in Beijing in 1995. This Conference had identified gender mainstreaming as the main strategy for the achievement of gender equality.

Even before the Beijing Conference, the Maltese Government had introduced the concept of gender mainstreaming, way back in 1989, through OPM Circular 133/89.

In this Circular, Ministers, Parliamentary Secretaries, Heads of Government Departments and Heads of Parastatal Corporations, were enjoined *inter alia*, to integrate women's concerns in all policies. Furthermore, Circular 133/89 specifically stated that in the drafting of legislation and in the implementation of government policies, women's issues were to be given due consideration. It was also recommended that before the drafting of any of the laws, the gender implications of the law had to be discussed with the national women's machinery on gender equality.

Following Cabinet's re-endorsement of gender mainstreaming, on 8 March 1999, the Minister for Social Policy entrusted the national machinery with the task of identifying the methods, mechanisms and tasks for the integration of a gender perspective throughout the public service, in each Ministry, department and public entity, and to draw up a plan of action for its implementation.

Gender mainstreaming has been addressed at length by the Commission for the Advancement of Women and a report, with proposals and time frames, was drawn up.

3.20 Proposals for Action

The following are the main proposals for action indicated by the national machinery in its Plan of Action for implementation of gender mainstreaming in the Malta Public Service.

3.21 Policy Statement on Gender Mainstreaming

The issue of an OPM circular on gender mainstreaming policies and implications addressed to Ministers, Parliamentary Secretaries, Directors General, Directors and Heads of State-funded entities.

3.22 Accountability

Responsibility for the implementation of gender mainstreaming, in varying degrees, should, in particular, lie with Ministers and Parliamentary Secretaries, Policy Co-ordinators, Permanent Secretaries, Directors General, Directors, Heads of Parastatal Entities, Assistant Directors, Heads of Units/Sections and Focal Points on Gender Equality.

The implementation of gender equality policies is to constitute a key criterion of the Performance Management Programme of Permanent Secretaries, Directors, Heads of Public Entities on a performance agreement, Assistant Directors, Heads of Departmental Sections/Units and of Focal Points on Gender Equality. This measure will ensure accountability for gender mainstreaming across all grades of the Public Service.

Focal Points on Gender Equality should be appointed in all departments and public entities. In order to be truly effective, it is desirable that these officers be above the grade of Executive Officer.

3.23 Co-ordinating Unit

The Department for Women in Society shall co-ordinate, monitor and evaluate the implementation of gender-mainstreaming. For this purpose, a special unit is to be set up in the Department for Women in Society, composed of gender experts and trainers.

3.24 Implementation Time-Frame

The national machinery is to introduce the implementation of gender mainstreaming over a period of 5 years, that is, between 2000-2004, working with individual Ministries, departments and public entities.

The national machinery for gender equality shall identify the priorities and time-frames for every year, starting with the year 2000.

3.25 Training

Training on gender equality mainstreaming and its implementation, and on gender impact assessments, is to be organised on a regular basis, for Members of Cabinet, Members of Parliament, Permanent Secretaries, Directors, Heads of public entities, Assistant Directors, Head of Sections and Units, as well as for Focal Points on Gender Equality.

Induction courses for newly recruited or promoted public service officials are to include training on gender equality policies and on gender mainstreaming.

The training shall be organised by the Staff Development Organisation in conjunction with the Commission for the Advancement of Women and the Department for Women in Society.

The national machinery shall also make the necessary arrangements for the training of a local group of instructors on gender equality issues, gender mainstreaming, and gender impact assessments.

3.26 Guidelines

In furtherance of training requirements, the national machinery shall prepare:

- guidelines on how to conduct a gender impact assessment;
- guidelines on the monitoring and evaluation of gender initiatives;
- guidelines on the compilation of department annual reports on gender initiatives.

3.27 Sex Disaggregated Data

The National Statistics Office is to publish data on women and men in Malta and to identify gaps where information is missing or sparse, such as women in decision-making *vis a vis* politics, public service and public bodies.

ARTICLE 4
Acceleration of Equality between Men and Women

4.1 Introduction

A firm political commitment to equality and equity between women and men, both at law and in practice was initially taken up in 1987 when the present government of Malta was elected to office both then and again in 1992. The main objectives of government's policy towards an integrated approach to gender equality were:

- the promotion of gender equality
- the elimination of sex-based discrimination
- the advancement of women in the political, economic, social and cultural sphere.

Today these same objectives have developed into broader perspectives and measures.

4.2 A Brief Overview

The setting up of the national machinery for women's equality and advancement was foremost among several measures adopted by Government. Amendments to the Constitution of Malta entailed gender equality and equity as a fundamental human right and redress of discriminatory practices in legal, political, economic and social spheres.

A further step towards the achievement of *de facto* equality was the introduction of a Constitutional provision to the effect that temporary measures be taken to accelerate the process of gender equality.

Areas that merited attention and immediate action included: a change in the traditional and cultural attitudes towards gender roles; access to equal opportunities in education and training; access to equal opportunities in employment; equal representation in decision-making, particularly in politics, the public sector, and economic structures.

Over the past thirteen years, major achievements include legislative reforms, the ratification of international conventions on women, an increase in equal opportunities in education, in employment and some social benefits.

4.3 The National Machinery

In March 1989, Cabinet set up a national machinery for gender equality made up of the Commission for the Advancement of Women (an advisory body), and the Secretariat for the Equal Status of Women. Today the Secretariat has been upgraded to the Department for Women in Society.

The Commission for the Advancement of Women has ensured that women's needs and concerns are taken on board in the development and implementation of government policies and programmes.

Awareness-raising on gender equality among policy-makers and the general public was given priority, paralleled by action in other critical areas, namely:

- elimination of discriminatory legislation;
- access to equal opportunities in education and training;
- equal opportunities in employment;
- reconciliation of family and work responsibilities;
- increase in the presence of women in decision-making;
- response to the problem of domestic violence;
- consolidation of sex disaggregated statistics;
- collation and distribution of information on gender related issues.

Public awareness on gender equality and the improvement of women's status was heightened through seminars, public discussions, workshops, research studies and publications.

Since its establishment a decade ago the Commission for the Advancement of Women has met several of the targets it had set out to achieve namely:

- raising awareness on gender equality and on the status of Maltese women
- placing on the public agenda gender-related topics such as,

  - access to equal opportunities in education, training, employment and health
  - women's conditions of work
  - women's participation in decision-making
  - the reconciliation of work and family-life
  - violence against women
  - domestic violence
  - sexual harassment
  - women's health
  - the portrayal of women in the media

- legislative measures which give Maltese women *de jure* equality, namely:

  - amendments to the Constitution for the inclusion of gender equality as a fundamental right, and for providing protection against sex based discrimination;
  - amendments to: Family Law (Civil Code), Social Security Act, Income Tax Act, Criminal Code;
  - inclusion of gender equality provisions in Estacode;
  - the ratification of the Convention on the Elimination of all Forms of Discrimination Against Women;
  - departmental procedures and practices were brought in line with Constitutional antidiscrimination provisions;
  - the setting up of a Domestic Violence Unit;
  - improvement in conditions of part-time work;
  - introduction of family friendly measures for public service employees – parental leave, career break, responsibility leave and reduced hours of work;
  - improved social benefits and services for widows, teenage mothers and single parents;
  - access to equal opportunity in education and training at all levels.

After the Beijing World Conference on Women in 1995, the Commission for the Advancement of Women identified the following priorities for action:

1. the development of structures for the mainstreaming of gender equality in all areas and at all levels of the public administration

2. full and balanced participation of women in decision-making, particularly in politics, public bodies and public administration

3. the development of specific measures aimed at helping men and women employees to reconcile their work, family and civic duties (more flexible work structures and various family-friendly measures)

4. the total elimination of violence against women, in particular, domestic violence and sexual harassment

5. support and assistance to women who face social problems, with special focus on single parents, teenage mothers and women addicted to drugs and alcohol.

4.4 Publications

Annual reports, by the Commission for the Advancement of Women and the Department for Women in Society provide a resumé of activities undertaken by the national machinery and comparative data on the situation of women and men in Maltese society. Areas where action needs to be taken for the improvement in quality of life for women and men are highlighted and achievements evaluated.

Reports and Publications are widely distributed to: Members of Parliament; Government Ministries and Departments; women's associations and NGO's; constituted bodies; and media.

4.5 Gender Awareness Programmes

Gender awareness programmes are held regularly for public service officers and policy makers.

In parallel, non-governmental agencies and women's NGO's run various gender-sensitising programmes.

In 1994, the University of Malta co-ordinated a short Certificate course in Women's Studies. Its overwhelming popularity led to a new diploma programme in Gender and Development in 1995. The diploma programme runs over a two-year period and is co-sponsored by the Commission for the Advancement of Women and the Workers' Participation Development Centre of the University of Malta.

4.6 Training Programme in Gender Awareness

Constant emphasis is made for the initiation of gender training programmes in the educational and schooling system. In order to provide a practical guide on raising consciousness, the national machinery commissioned the design of a printed manual for school teachers and group leaders titled *Lejn L-Ugwaljanza bejn in-Nisa u l-Irgiel: Programm ta' Gharfien.*

The manual encourages a change in attitudinal behaviour patterns in all spheres of society.

4.7 Public Bodies

Participation of women on Government appointed boards and committees is gradually on the increase. As at end 2000, female representation comprised 18 per cent (Table 4.1).

A Directory of Maltese women that includes information on academic qualifications and professional experience is in the process of being updated.

4.8 Public Service

Women are still under-represented in the top grades of the Public Service. The table shows that in 2000 there was only one woman who had reached the third scale in the Public Service, and only 12 per cent hold posts in the top five scales (Table 4.2.).

4.9 Politics

Various initiatives are taken to address women's participation in politics, both at local and national level. Political parties are encouraged to aid women overcome cultural and traditional stumbling blocks, by taking the initiative to identify potentially successful women to stand for election to the House of Representatives.

Besides encouraging women to participate more actively in politics the Commission for the Advancement of Women offers practical assistance to women candidates consisting mainly in the provision of training programmes in political skills. In January 1996, a course "Political Skills for Women Candidates" was organised for those women who were to stand for the general elections taking place later that year.

In February 1997, a similar course was organised for women standing for local council elections.

Similar courses, on leadership and electoral campaigns, are organised by the Academy for the Development of a Democratic Environment (AZAD), a non-governmental adult education agency. The courses specifically target women.

Another course, on "Interpersonal Skills for Women Councillors", was organised by the Commission for the Advancement of Women specifically for women already serving on local councils. The course aimed at training women councillors in basic interpersonal skills and to help them face specific challenges when working in a male environment. Training skills included group dynamics, communication skills, campaigning, and the effective use of the media.

In order to attract more women in politics publicity campaigns are co-ordinated with the media and its aims are the following: to encourage women to stand as candidates for both local councils and the general elections; and, to ensure more women are elected, both as counsellors and as Members of Parliament.

As a result of efforts and initiatives several positive developments are noticeable in women's active interest at local and at national level.

4.10 Measures Towards Reconciling Work and Family Responsibilities

Several measures were taken in the public Sector to enable workers to balance employment and familial obligations. These measures include:

- Free State kindergarten, for pre-compulsory school children starting from age 3.
- Protection from dismissal of pregnant workers as stipulated in the Conditions of Employment (Regulation) Act, 1952, amended by Act XI, 1981, and Act XXII of 2002.
- Protection of Maternity at Work Places Regulations, 2000, which protect the occupational health and safety of pregnant workers, and workers who have given birth or are breast feeding.
- In 1996, the conditions of work of employees working 20 hours or more per week, were improved to include pro-rata benefits such as: vacation leave, sick leave, injury, birth and bereavement leave. Male employees are also entitled to 2 days paternal leave on the birth of a child.
- As of 2000, summer school programmes were introduced for primary school children.
- Maternity leave - all full-time female employees are entitled to thirteen weeks maternity leave, on full pay and one week of special leave at no pay to be taken immediately prior or subsequent to the thirteen weeks of maternity leave. Maternity leave is also granted to casual/part-time female employees who regularly work at least 35 hours per week.
- Adoption leave - full-time female employees, who adopt a child, are entitled to five weeks paid adoption leave, while men are granted two working days leave on full pay. Parents who want to adopt a foreign child may, in addition, take up to three months unpaid leave.
- Special leave - All full-time employees are entitled to paid special leave which covers (a) marriage - three working days, and (b) bereavement - two working days on the death of near relatives. These different kinds of special leave are also enjoyed by casual/part-time employees, on a pro-rata basis.
- Parental leave - Government employees are entitled to unpaid leave, for a period of twelve months on the birth to them of a child. This leave may be availed of by the mother or the father or may be shared by both, and must be availed of before the child reaches five years of age.
- A career break of three years, which may be shared by both parents as additional parental leave, may be availed of once only as long as the child is under the age of five years.
- Special unpaid leave for a period of one year, is available for those employees who foster children.
- Responsibility leave - unpaid responsibility leave may be availed of by public officers, to take care of dependent, elderly parents, disabled children or spouses. This leave is granted for periods of twelve months at a time.
- Reduced working hours - All public officers may opt to work on a reduced time-table in order to look after young children below eight years of age. This option is also available to employees who are over 50 years of age and who

have medical or serious humanitarian and family reasons. Other justifiable reasons may also be considered subject to departmental exigencies. Employees working on a reduced time-table are entitled, on a pro-rata basis, to: the salary of their substantive grade, any allowances linked to their duties, all leave benefits. The seniority of employees, opportunities for training and eligibility to apply for calls for appointments, are not prejudiced by "reduced hours" of work.

- Casual/part-time work - employees on a casual basis, who work for at least 40 hours a week are entitled to vacation leave and sick leave. Nursing and medical staff may opt to work on a sessional basis, with pro-rata benefits, during the one year unpaid parental leave.
- Elder care such as day centres, telecare service, meals on wheels and handyman service.
- Respite services for families with disabled members or with special needs.

4.11 Health Issues

Women's health was also a priority of the national machinery. Over the past decade, programmes related to women's health were broadcast on national television and other local stations. Furthermore three leaflets on the subject of the period, hysterectomy and the menopause, were published by the Commission for the Advancement of Women and widely distributed in hospitals, health and secondary schools.

A policy on women's health was drawn up after nation-wide consultation. Recommendations were included in the national policy plan.

Sex education began to be imparted in schools from 1990 as a result of proposals submitted by the national machinery on gender equality, and is today incorporated as a compulsory subject at secondary level of schooling.

4.12 Violence Against Women

Violence against women was given precedence and approached through multi-disciplinary strategies which have led to the introduction of a gamut of services and structures for effective eradication of violence against women. An Inter-Agency Action Team was set up to evaluate the incidence of violence against women in Maltese society and to formulate a plan of action to combat such violence. This plan was put into concrete effect with a series of measures, foremost among which was the setting up of a Domestic Violence Unit, and a Child Protection Unit.

The main purpose of the Domestic Violence Unit (DVU) is to provide support to victims of abuse, assist them with adequate shelter, and offer referrals and links to other necessary support services. The Unit is also committed towards the prevention of violence through education and the media.

DVU has been responsible for setting up support groups for abused women as well as providing a support line for adults and children who fall victim of abuse. The support line, which is now staffed by Supportline 179 is run by volunteers under the supervision of social workers. In 2000, 271 persons received services provided by the DVU.

Staff and social workers from DVU work closely with shelter services available for battered women. Three shelters are non governmental, two of which receive a government subsidy. The fourth shelter is run by the national social welfare agency APPOGG. Women residing at the shelter have priority for the allocation of social housing. Social workers follow up cases of women who leave the shelter and settle elsewhere.

The DVU has formulated detailed guidelines for practitioners, such as doctors, nurses, police, social workers and the clergy, to enable them detect cases of abused women and deal appropriately with victims of such abuse.

Lectures and workshops on Government policies on domestic violence are incorporated in the academic curriculum at the Institute of Forensic Studies at the University of Malta. Police officers are trained on how to deal with violence against women.

A special Police Victim Support Section within the Vice Squad was set up in 1993. The Unit consists primarily in female police officers whose task it is to investigate cases of domestic violence referred to them by district police. This Section, coupled with gender sensitive training programmes at the Police Academy, provides victims of abuse with necessary support, understanding and assistance by the Police the moment the crime is reported and throughout investigations. The members of the Support Section refer victims to all available services, including medical treatment, the Domestic Violence Unit, and the shelters for battered women.

In March 2002, a new co-ordinated response team on violence against women (CRT) was set up by the Ministry for Social Policy.

The CRT includes policy makers, front liners and other professionals from several sectors and Ministries, agencies and entities that come in contact with women who suffer abuse, and their children, or who have a crucial role in the prevention of family violence.

The ultimate goal of the CRT is to develop and implement a national plan of action on violence against women that ensures a co-ordinated response.

The CRT terms of reference are grouped into four main sectors: support and facilitate the enactment of the Family and Domestic Violence Act; research and policy development; education and awareness-raising; and, co-ordination and networking of service providers and professionals in the field.

ARTICLE 5
Sex Roles and Stereotyping

5.1 Changes in Social and Cultural Patterns

Until the early Eighties there was little awareness of gender equality and equity in Malta. Women's role was firmly set in and around the family, while men were legally recognised as head of household.

A law that discriminated directly against women in employment was the 'marriage bar'. Until the end of December 1980 female public officers were invariably required to sign a contract in which they agreed to vacate their posts upon contracting marriage. The 'marriage bar' served as a constant reminder that in the eyes of the state the place for married women was not in the labour market but at home.

By virtue of OPM Circular 103/80 of 31 December 1980, the marriage bar was finally removed. The Conditions of Employment (Regulation) Act 1952 was amended by virtue of Act XI of 1981. The Act entitled married women to retain their full time employment and may not be dismissed on grounds of marriage.

By virtue of Act XI, of 1981, the Conditions of Employment (Regulation) Act 1952, Sec 2 was amended and maternity leave was introduced for full time employees. This measure became effective by OPM Circular 47/81 of 6 May 1981. The Act provided for absence from work during pregnancy and confinement for an uninterrupted period of not more than 13 weeks of leave with payment on full wages, five of which follow the date of confinement (a similar provision is found in Section 4.4.5.1 of Estacode). Legal Notice 92/2000 (Protection of Maternity at Work Places Regulations) under the Health and Safety Promotion Act establishes the right for an extra one week of unpaid maternity leave. In practice this entitles pregnant women workers to a total of 14 weeks of leave receiving a remuneration equivalent to 13 weeks of basic wage. While aligning our legislation to the acquis communautaire and the Revised European Social Charter, it enables Malta's ratification of ILO Convention 183 on Maternity Leave. Protection from dismissal during maternity leave is also provided.

Social and cultural changes have been slow. Women's share in total labour supply is a low 28 per cent. In parallel, 62 per cent claim to be looking after home and family as suggested by the National Census of 1995.

It is envisaged that the Gender Equality Act be adopted by the end of 2002. This Act will prohibit any form of direct or indirect discrimination based on sex and will transpose Directive 76/207/EEC (equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions). Directive 86/613 (equal treatment between men and women engaged in an activity including agriculture in a self-employed capacity and on the protection of self employed women during pregnancy and motherhood), as well as Directive 97/80/EC (burden of proof in cases of discrimination based on sex).

5.2 The National Machinery

The national machinery for gender equality is made up of the Commission for the Advancement of Women, set up by Government in 1989 and the Department for Women in Society which is its executive arm set up in 1994. One of its main objectives is to promote the advancement of women in the political, social, economic and cultural spheres of Maltese society. Consequently a plan of action was drawn up that aimed to combat prejudice and traditional attitudes, as well as to enhance a culture of gender equality, and abolish stereotyped roles that persist in the family, within the educational system, in the labour market, around mass media, and all that encompasses social and political life in Malta.

The national machinery seeks to raise gender consciousness in all Ministries and Government departments and promote policies towards women's advancement. Close co-ordination is established between Ministries and Government departments, and the Commission for the Advancement of Women through the Department for Women in Society. A network of focal points within every Ministry report back to the Department for Women in Society on any cases of discrimination against women.

The national machinery strives to sensitise policy-makers and senior public service officers by running training programmes that redress discriminatory practice.

Gender-sensitising sessions have been held for: politicians and political parties; policy-makers (cabinet); senior public officers; the judiciary; media professionals; trade unionists; employers' associations; school teachers; school counsellors; marriage counsellors; the police force; social workers; church authorities; married couples and young people.

The Commission for the Advancement of Women aims to integrate gender equality in all sectors of society. Prior to the Beijing Conference, the mainstreaming of gender equality was concentrated in the public sector. Following the Beijing Conference and Beijing+5, mainstreaming was extended in all spheres of the public sector. Effort is constantly made to integrate the concept of equality into activities at national and influential levels.

The national machinery initiates public awareness on:

- equality as a basic human right;
- equal opportunities in education, training and employment;
- gender stereotyping in textbooks;
- labour market conditions of work;
- health issues;
- violence against women (domestic violence, rape, sexual harassment);
- the reconciliation of family and work responsibilities;
- women's participation in the occupational hierarchy;
- women's role in decision-making, particularly in politics.

Members on the Commission for the Advancement of Women are regularly invited as keynote speakers at conferences and seminars at a national level and as participants at international meetings abroad.

On the occasion of World Women's Day, the national machinery annually prepares a programme of activities in order to celebrate this international event, and promote gender awareness among the general public.

Activity and progress reports, both in the Maltese and English languages, are published annually. The reports present a review of all the activities undertaken during the previous year and provide comparative data on the situation of women and men in Maltese society. They also highlight areas where action needs to be taken for the improvement of the quality of life for both women and men. The reports serve to evaluate the achievements made by Maltese women, and provide an appraisal of the outcomes of gender policies. The reports are widely distributed.

5.3 Education and the Promotion of Equality

Education is one of the main areas addressed by the national machinery, as a two-pronged tool that leads to the empowerment of girls and women, and the promotion of gender equality in Maltese society.

Recommendations are made to education authorities, and gender-sensitised training programmes are organised for school teachers.

A Manual that incorporates a training programme for school teachers and group leaders was published by the Commission for the Advancement of Women in 1998. The Manual consists of exercises that generate gender awareness with the aim of changing habitual attitudinal behaviour in Maltese society.

5.4 Non-Sexist Reading Material

A task that was taken up by the Commission for the Advancement of Women was the elimination of gender stereotyping in primary school textbooks. A report which analysed the contents of books and made recommendations on training and educational literature was drawn up and published. Meetings were held with Education authorities and University Faculty of Education to discuss the revision of existing textbooks. Public debates on gender equality in education were organised jointly with the Faculty of Education and the Malta Union of Teachers.

5.5 Equal Access to Education

School children share the same national minimum curriculum, and the Education authorities are urged to ensure that boys and girls enjoy equal opportunities.

Home economics, traditionally a female option, was introduced in boys' schools, whereas graphic design is an option for girls.

A new Technology Education Programme was introduced in trade schools that replaces a curriculum, which discriminated against girls. The previous curriculum did not offer equal opportunities in vocational education and training. Technology programmes are monitored for equality and equity.

Sex education and Personal and Social Education (PSE) programmes were introduced in secondary schools curricula, following proposals submitted by the Commission for the Advancement of Women.

A module on gender equality is contained in the Personal and Social Education programmes, and most of the teachers who give PSE lessons have undergone training on gender equality.

The Malta Chamber of Scientists is giving importance to science for girls. Although the trend is taking a gradual turn, women still tend to opt for the softer subjects outside of science.

5.6 Gender Sensitising of Teachers

In order to mainstream gender equality through education, the national machinery recommends that teachers at all levels be given training in gender equality and students at the faculty of Education at the University of Malta have compulsory instruction on gender differentiation in the classroom.

5.7 Mainstreaming of Gender Equality at the University

Mainstreaming of equality through the University saw the introduction of a short certificate course in "Women's Studies". Sessions were held in the morning to enable mature women with family responsibilities to attend.

The course was organised in 1994, and topics covered history, philosophy, religion, geography, education, health, literature, employment, media and decision-making.

An offshoot of the Certificate course is the 2-year part-time diploma programme in Gender and Development. The course is co-ordinated by the Workers' Participation Development Centre of the University of Malta and is part-sponsored by the Commission for the Advancement of Women.

This course is held every year and is part-sponsored by the national machinery. The core study units, at the first level, consist of economics, sociology, anthropology, psychology and political science. Elective units, at the second level of the programme, include health, the family, work and the economy, literature and the media.

Recently, the University of Malta began to introduce a gender perspective in the curricula of all courses offered.

A committee on Gender Issues was also set up at the University to monitor equal opportunities, and to increase gender equality awareness among administrators, teachers, students and employees.

5.8 Media and Media Professionals

The national machinery maintains close co-operation with media professionals and organises seminars on the promotion of gender equality amongst media personnel.

Media professionals are kept informed on reports issued by international organisations, such as the United Nations and the European Union.

The last decade has witnessed a gradual increase in the number of female journalists, although decision-making posts in media remain largely male dominated.

5.9 Women and Decision-Making

The representation of women in decision-making is one of a number of critical issues for Maltese women.

The Commission for the Advancement of Women keeps track of women occupying decision-making posts and encourages the media to present such women as role models for young Maltese women.

5.10 Politics

In the political sphere, various measures aimed at increasing women's participation in politics were taken. The national machinery lobbied political parties to encourage women overcome cultural obstacles in the field of politics.

The national machinery has been successful in its drive to promote this aspect, particularly as a result of the public pronouncements concerning the role of women in public life made by all the leaders of the political parties. Moreover, political parties sought out women to stand as candidates for political elections and gave them adequate visibility during the electoral campaigns.

The national machinery has organised courses on political skills for women candidates who were contesting elections at the local and at the national level. Another course, on interpersonal skills, has been originated specifically, for those women already serving on local councils. The aim of this course was to train women councillors in basic interpersonal skills and to help them face specific challenges when working in a male environment.

A substantial increase in the number of women candidates, both at local council level and those contesting for Parliament is registered. Also, the number of elected women especially on local councils has increased.

5.11 Public Bodies

Another aspect of decision-making is the representation of women on public bodies. Since 1987, the official policy was for women to be represented on all public bodies, that include, boards, commissions, committees and tribunals, which are Government appointed. In 1991, a policy decision was taken at Cabinet level to increase the presence of women on public bodies. A reminder is circulated every year to all Ministers regarding the appointment of women to serve on these boards and committees. In 2000 the number of women represented on public bodies stood at 18%.

5.12 The Directory of Maltese Women

In order to submit to the Ministries names of suitably qualified women to serve on public bodies, the national machinery compiled the Directory of Maltese Women.

The Directory comprises information on the qualifications, skills, activities and experiences of women from different sectors in Maltese society. This information is given to officials from Ministries and Government departments, and also to local associations, organisations and trade unions on request.

5.13 The Public Service

The Public Sector provides another career path to decision-making positions, however, women are still poorly represented in senior grades. Since such positions are awarded largely on the basis of seniority, women were seriously hampered by the marriage bar, that was abolished in December 1980. Today, no woman holds the post of Permanent Secretary, the highest post in the Public Service (Table 5.1).

5.14 The Judiciary

Female representation in senior positions in the Judiciary remains low (Table 5.2). To this day no female judge has been appointed although female judicial assistants were appointed and female judicial referees are appointed by judge on an *ad hoc* basis. At present, there are four female magistrates. The first female magistrate was appointed in 1991.

5.15 Head of Household

Prior to amendments in the Civil Code, the husband was legally recognised as the head of the family and all legislation was based on this legal status. Full authority over minor children and community property together with its administration was vested in the male head of household.

Act XXI, of 1993, amending the Civil Code, curtailed the father's and husband's undisputed dominance within the family, and provided that both spouses be placed on an equal footing in their relations with one another, their children and in the administration of the property acquired by both spouses during marriage.

Following the amendments to the Civil Code in 1993, further amendments redressed discrimination against women in the Social Security Act and the Income Tax Act in 1996. The amendment to the Social Security Act concerned the definition of the head of household. Whereas previously the law recognised the husband as the **sole head of the household**, the new provisions defined the head of the household as **such person, as in the opinion of the Director of Social Security, is the head of the household**.

Amendments to the Social Security Act, 1987 will be brought by the end of 2002 in order to remove all traces of discrimination against women. Under the Act a married woman whose husband has not abandoned her cannot be considered self-employed and consequently may not pay social security contributions as her male counterparts.

Until 1996, the Income Tax Act had held the husband to be responsible for the completion of income tax returns and the payment of income tax for the husband's and wife's financial revenue. A first set of amendments to the income tax legislation, in 1990, had brought about a situation where the husband and wife could opt for a separate computation on earnings derived from their employment. In practice, this meant that the husband and wife would pay less income tax. However, the husband was still responsible for tax returns and payments. Following the enactment of Act XX of 1996, married women may sign the income tax return jointly with their husband and by consent of both spouses, the wife may elect to be the spouse responsible for the tax on the chargeable income.

5.16 Nullity of Marriage

An action for the annulment of marriage may be brought by any one of the parties to the marriage and such marriage may be declared void if one of the grounds expressly laid down in the law is found to subsist. Where the action has been commenced by one of the parties, it may be continued by any of the heirs.

Marriage may be annulled on the following grounds:

(a) If the consent of either of the parties is extorted by physical or moral violence or by fear.
(b) If the consent of either of the parties is vitiated due to an error on the identity of the other party.
(c) If the consent of either is extorted by fraud about some quality of the other party which could of its nature seriously disrupt matrimonial life.
(d) If the consent of either of the parties is vitiated by a serious defect of discretion of judgement on the matrimonial life, or its essential rights and duties or by a serious psychological anomaly which makes it impossible for that party to fulfil the essential obligations of marriage.
(e) If either of the parties is impotent, whether such impotence is absolute or relative, but only if such impotence is antecedent to the marriage.
(f) If the consent of either of the parties is vitiated by the positive exclusion of marriage itself, or of one or more of the essential elements of matrimonial life, or of the right to the conjugal act.
(g) If either of the parties subjects his or her consent to a condition referring to the future.
(h) If either of the parties, although not interdicted or infirm of mind, did not have at the time of contracting, even if on account of a transient cause, sufficient powers of intellect or volition to elicit matrimonial consent.
(i) If one of the parties has refused to consummate the marriage.

When a marriage is annulled the effects of a valid marriage shall always be deemed to have existed with reference to the children born or conceived during a marriage declared to be void.

Until 1975, marriage in Malta was regulated by Canon Law, and the Ecclesiastical Tribunal had jurisdiction to decide on matters relating to the validity of marriage. Upon the enactment of the Marriage Act, 1975 the Civil Courts were vested with jurisdiction to decide on all cases of personal separation and nullity of marriage and the State only recognised the decisions handed down by the Civil Courts. In 1995 the situation changed after amendments were made to the Marriage Act. Maltese courts continue to have jurisdiction in cases of nullity of marriage and personal separation. After the 1995 amendments, however the Marriage Act provides for the recognition of decisions given by an Ecclesiastical Tribunal and provided that at least one of the parties to the marriage is domiciled or is a citizen of Malta. Registration is effected through the Registry of the Court of Appeal, which upon application being made, will not enter into the merits of the case but will ascertain itself of the subsistence of certain matters such as:

- The competency of the Tribunal to judge the case.
- The right of action and defence of the parties.
- No contrary judgement binding the parties, pronounced by a court on the same grounds of nullity has become *res judicata*.

Whenever a case of annulment is brought before the Civil Court and concurrently before an Ecclesiastical Tribunal, the Civil Court shall suspend the action before it once a petition is accepted by the Ecclesiastical Tribunal and due notice of this fact has been given by the Chancellor of the Ecclesiastical Tribunal to the Registrar of the Civil Courts. The Civil Court shall only again be competent to hear the case before it if the proceedings before the Ecclesiastical Tribunal are withdrawn or abandoned.

5.17 The Reconciliation of Work and Family Responsibilities

The reconciliation of work and family responsibilities was one of the main areas of concern identified by the national machinery after the Beijing World Conference. The notion of work outside the home for Maltese women, particularly married women, is relatively new. However, the number of women seeking paid work outside the home is continually rising. In 2000 the number of females having a part-time job as their primary job stood at 27.4 per cent of the gainfully employed. This figure has increased since 1997 when the percentage stood at 21.3 per cent. The bulk of part-time employment for males is in the hotels and catering establishments whilst female part-time employees are concentrated in the community and business services.

This trend seems to have gained momentum in the substantial increase in the number of women studying at tertiary level. In 2001 women made up 54 per cent of all university students. In parallel, the female participation rate has increased from 28 per cent in 1986 to 31 per cent in 2001.

Notwithstanding the fact that women enjoy equal opportunities in education, many of them still find it difficult to remain in the labour market during their child-bearing years and to reconcile their work and family responsibilities.

Over the last two decades, new measures were taken to enable both parents who work, to reconcile their family responsibilities. These measures include:

- 14 weeks maternity leave, at full pay (public and private sector);
- state kindergartens, free of charge, for children between 3 to 5 years of age;
- protection against dismissal of pregnant workers;
- protection of the occupational health and safety of pregnant workers, and workers who have given birth;
- the introduction of new flexible work arrangements, such as part-time and casual work;
- improved conditions of work of employees working more than 20 hours, solely on a part-time basis (the majority of whom are married women). These workers can enjoy, on a proportional basis, certain benefits such as vacation leave, sick leave, and bereavement leave. Male employees on a part-time basis are also entitled to paternal leave on the birth of a child;

- the introduction of one year parental leave (unpaid), in the public service for male and female employees, to enable them to care for children below 4 years of age;
- the introduction of a career break of 3 yeas (unpaid) for public service employees (both women and men), to enable them to care for children under the age of 5 years;
- the introduction of summer school programmes for primary school pupils, during the 2 – month long summer holidays;
- initiatives aimed at assisting the elderly to lead an independent life: day centres, Telecare service, Meals on Wheels, handyman service, home help etc.;
- the introduction of respite services for families who have members with disabilities or special needs.

A number of private child-care centres were set up in Malta. In 1994, a playshool for children over the age of 2 was opened at the University of Malta, for the care of children of the administrative and academic staff and students. The playschool is open all year round.

The provision of child-care centres is one of the priorities on the national agenda.

A technical committee on child day care was set up by the Ministry for Social Policy in July 2002.

The objective of the committee is to investigate, promote and oversee the co-ordinated development of the local child day care sector. The terms of reference include: monitor developments in child day care services; promote development of child day care services; identify and address collateral systems that can support the development of child day care services, such as legislative and licensing issues; and, advise on the implementation of recommedations identified in the 'Child Care Task Force' report.

5.18 Protection of Maternity

Protection of Maternity at Work Places Regulations, 2000 implementing directive 92/85/EEC were published on the 11th of April 2000 and came into force on the 1st of January 2001. These regulations, published under the Occupational Health and Safety (Promotion) Act, 1994 seek to enhance the protection enjoyed by pregnant women, or by women who have recently given birth or are breastfeeding at the place of work. The regulations moreover increase the amount of maternity leave from thirteen weeks to fourteen by introducing a special one week of leave at no pay which can be taken either before or after onset of maternity leave.

When a woman gets to know that she is pregnant she is to inform her employer at once. The employer will, in turn, make an assessment of any circumstances, which could be detrimental to her health and safety. As stated in Article 3(1) of the regulations:

No pregnant worker, mother or breasfeeding worker shall be required by any employer to perform any work which may endanger her health and safety, the safety or viability of her pregnancy or the health of her child, as the case may be.

After conducting the assessment, the employer is bound to inform the pregnant or breastfeeding worker who has just given birth of the nature and degree of any hazard present at the workplace. An employer may never compel the worker concerned to perform duties, which would expose her to the risks so assessed.

Whenever a risk to the health and safety of the employee is found to exist the employer has to do all in his power to remove the risks assessed and this may be done either by adjusting the working conditions or working hours of the employee in question or by assigning the employee to another job which does not expose her to such risks and which is to have the same conditions as her previous job. Should the employer not be able to do the above, the employer is bound to grant the employee an extension of her maternity leave for the whole period necessary to protect her safety or health or that of her child whether born or unborn.

A pregnant worker or a worker who has just given birth or is breastfeeding may continue to perform night work unless such work is detrimental to her health. In this case the employee may submit a medical certificate to the employer stating the same. If the employer's medical officer does not agree with what is stated in the medical certificate submitted by the employee, the matter shall be conclusively decided by the Director of Labour in the sole interests of the health and safety of the employee. In any case an employee that is pregnant or that has given birth or is breastfeeding will not be required to perform night work between the eight week preceding the expected date of delivery and the twenty-first week after such commencement since in this period it is automatically assumed that such night work would be detrimental to the health of the employee and to her child.

The female employee when availing herself of the provisions on maternity leave or the other provisions of the regulations intended for her protection or that of her child enjoys the same guarantees against dismissal from employment as afforded by Section 36 in the Employment and Industrial Relations Act, 2002.

5.19 Violence against Women

Violence against women has been given high priority. An inter-departmental Action Team on violence against women, was set up in 1991, which included voluntary organisations and trade unions. Its role was to investigate and assess the incidence of violence against women and to prepare a Plan of Action on elimination of violence. The Action Team developed short and long term programmes, which integrated government and voluntary action to counteract domestic violence and other abuses, such as rape and sexual harassment.

As a result of recommendations two specialised units, one on domestic violence and another on child protection, were established.

The main purpose of the Domestic Violence Unit is to provide support to victims of abuse, assist them in finding adequate shelter, and offer them referrals and links to other necessary support services. The Unit provides social work intervention. It is also committed towards the prevention of violence through education and media.

Between 1995 and 1996, social workers at the Domestic Violence Unit treated approximately 600 different cases of domestic violence. While in 2000, there were 271 persons who received services provided by the Domestic Violence Unit. Two

support groups have also been set up that focus on parenting skills training and group counselling.

The Domestic Violence Unit has formulated detailed guidelines for doctors and nurses, police, social workers, counsellors and the clergy to enable them detect violent abuse of women and to deal appropriately with victims of violence.

The Child Protection Services Unit offers specialised social work to protect children. In 1996, the Domestic Violence Unit launched a support line for women and children, victims of abuse, and for persons with other problems.

A special Police Victim Support Section within the Vice Squad, made up primarily by female police officers was set up. The Support Section investigates cases of domestic violence and child abuse referred to them by district police.

5.20 Children's Rights

Children's rights in Malta are regulated and guided by a number of legal instruments as well as the Constitution of Malta. Malta is also a signatory to the UN Convention on the Rights of the Child.

The Criminal Code sections dealing with children include:

i. neglect of a child below the age of seven years which may lead to imprisonment (Section 246);
ii. should a person find a new born abandoned, that person has the duty to do all that is needed to save the child and inform the police within 24 hours; failure to do so can lead to imprisonment (Section 248);
iii. parents and step-parents enticing or forcing their children into prostitution commit a crime leading to imprisonment (Section 197);
iv. defilement of minors is a crime leading to imprisonment (Section 203);
v. whoever encourages, helps or facilitates the prostitution of minors commits a crime leading to imprisonment (Section 204);
vi. it is a crime (leading to imprisonment) to kidnap, hide, substitute, conceal the birth or assuming of a child (Section 210);
vii. any person of sound mind (children are included in this definition of a legal person) may make a complaint to and lodge a report with the police (Section 538).

According to the Protection of Young Persons at Work Places Regulations, 2000, children below the age of 15 cannot be employed on contract and otherwise.

The same applies to young persons of compulsory school age unless such employment is covered by an exemption issued under the Education Act.

New specialised services targeted at children were launched by the Ministry of Social Development between 1994 and 1996 as part of the social welfare reform.

5.21 Child Protection Services Unit and the Child Crisis Centre

The Child Protection Services Unit, launched in September 1994, is composed of social workers who undertake social work intervention and multi-disciplinary work

in the area of child abuse. The terms of Reference include investigations, work with children and their guardians, where possible work is done with perpetrators of child abuse.

The Child Crisis Centre known as Butterfly Centre was developed by APPOGG formerly known Social Welfare Development Programme. The aim of this service was to provide a multi-disciplinary work with abused children. Nowadays this service is run by the Department of Health. This Service operates through medical, psychiatric, psychological and social work professionals, in-house, or on-call, who respond to emergencies without unreasonable delays. The main aim of the Centre is to provide a multi-disciplinary assessment, treatment and social protection of children who have been abused, through the co-ordination of multi-disciplinary and multi-agency resources and facilities.

The Centre aims to provide a safe and peaceful atmosphere for children who have been physically and/or sexually abused and:

- may be medically examined in a comfortable and non-threatening environment;
- can discuss their problems with the police, social workers and paramedical staff;
- benefit from social work intervention by the Child Protection Services Unit;
- benefit from other services such as psychological, paediatric, gynaecological, psychiatric, etc. on an appointment basis;
- have their case investigated jointly by the police and the Child Protection Services Unit.

5.22 Wife Chastisement

There is no provision in Maltese law, which gives the husband the right to chastise his wife. Although the Maltese Criminal Code does not specifically provide for a sanction in the case of a husband who chastises his wife, this situation would fall within the ambit of the general provisions dealing with bodily harm.

Moreover, bodily harm may be grievous or slight, with the former type of bodily harm attracting a higher degree of punishment.

5.23 Drug and Alcohol Abuse

The problem of drug abuse has spread among Maltese young people in particular. The Maltese Government has taken a serious stand against this problem and a national plan of action is being drawn up.

One of the initiatives taken in the field of drug abuse was the establishment of an agency against drug and alcohol abuse (SEDQA), which is financed by State funds. The agency offers specific support and prevention services for children, youths and adults. It operates seven centres in the country for the treatment, rehabilitation and reintegration into society of drug addicts and alcoholics. Psychological support is also extended to the families of the clients.

The Agency operates two 24-hour emergency help-lines for drug addicts and alcoholics. It also organises regular national campaigns against drug abuse and alcoholism, including TV spots addressed to persons of all age groups.

ARTICLE 6
Suppression of the Exploitation of Women

6.1 Legislation on Traffic in Women and Girls

Legislation on the prevention of traffic in women and girls has existed since 1930, when the White Slave Traffic (Suppression) Ordinance, Chapter 63 of the Laws of Malta was promulgated. This law prohibits the trafficking of persons, males and females for prostitution. This law was amended several times since its enactment, the last being in 1994.

The Ordinance prohibits the inducement of a person, whether under the age of twenty-one or above such age, to leave Malta for the purpose of prostitution. Furthermore, the Ordinance prohibits the act of detaining a person in a brothel and the keeping or management of brothels. It is an offence for a person to lease or allow the use of any house or premises for prostitution or immoral purposes.

For the effective implementation of this legislation, a Vice Squad within the Police Department was set up. The suppression of prostitution is one major responsibility of the Vice Squad.

6.2 Prostitution

Prostitution *per se* is not a criminal offence if practised behind closed doors (in private) or in a place not easily accessible. Loitering and soliciting for the purpose of prostitution or engaging in other immoral acts in public, contributes to an offence that is punishable by law and imprisonment for a term not exceeding three months.

The offence of acts against decency or morals committed in a public place or in a place exposed to the public is punishable, on conviction, with imprisonment for a term not exceeding three months and to a fine (*multa*). According to Section 11 of the Criminal Code, the maximum of a fine (*multa*) is five hundred liri and the minimum is ten liri unless otherwise provided.

Various persons are arraigned in Court charged with loitering and soliciting for the purpose of prostitution. One must add that this is a very difficult crime to prove in Court since Courts request that prostitutes are caught in the act of loitering or soliciting or *flagrante delicto.*

Prostitutes are not licensed and neither are brothels.

Lenocinium is regulated by Section 204 of the Criminal Code, Chapter 9 of the Laws of Malta and concerns any person who induces, instigates or facilitates the prostitution of a person under age for the gratification of lust. This crime is punishable with imprisonment for a term of between eighteen months and four years.

The White Slave Traffic (Suppression) Ordinance, Chapter 63 of the Laws of Malta prohibits the living off, whether wholly or in part, on the earnings of another person practising prostitution. The law lays down certain presumptions as to when a person is deemed to be living off such earnings.

Lack of consent in the sexual act is presumed whenever such act is accompanied by violence. Violence is assumed when sexual intercourse or any other indecent assault is committed on a person who is under twelve years of age, or when the victim is unable to offer resistance owing to a physical or mental disability or for any other cause that is independent of the act of the offender. Violence is also assumed if the perpetrator makes use of any fraudulent devices.

6.3 Social Attitude

Strong traditional values persists in Malta. Prostitution is considered highly immoral, and loitering or soliciting for prostitution in public are not tolerated.

Under Criminal Law, no distinction is made whether the victim of violence or rape is a prostitute or any other person. Neither is any distinction made on the basis of the sex of the victim. The Crime is, however, aggravated if it is committed on persons below the age of eighteen and further aggravated if committed on children under twelve years of age. The Criminal Code under the title *Of Crime Affecting the Good Order of Families* lists a number of circumstances that may aggravate the crime of rape that is punishable by a maximum punishment of nine years. One of the aggravating circumstances is when the person carnally known has not completed the age of nine years. When rape is aggravated, the punishment is increased by one degree.

Rape is punishable by law irrespective of the status of the offender. Rape becomes a crime when there is carnal connection with violence and the commencement of the execution of the crime.

6.4 Legal Protection

Laws regulating the traffic in women and exploitation of prostitution are enshrined in the White Slave Traffic (Suppression) Ordinance of 1930, Chapter 63 of the Laws of Malta and the Criminal Code, Chapter 9 of the Laws of Malta.

6.5 Monitoring Immigration and Emigration

Persons arriving in Malta are given a tourist visa that is valid for three months. Application for visa extension is limited to no more than three months.

Visa applications are scrutinised. Suspicion of any illegal activity stalls the visa extension and the applicant is obliged to leave the Island.

Under the Refugees Act, 2000, a person is not considered a 'refugee' if he/she has committed a serious non-political crime outside Malta prior to arrival in Malta.

6.6 Protective Laws and Policies

Section 199 of the Criminal Code states that whosoever abducts a person with intent of abusing or marrying such person shall be liable to imprisonment for a term of between nine and eighteen months. Any person that assists another to commit the crime is punished as an accomplice.

The only law regulating the ceremony of marriage is the Marriage Act of 1974 as amended in 2000. In Malta, marriages may take a religious form or a civil form. In

the former case, the marriage is celebrated in church according to canonical rites. In the latter case, marriage is celebrated within the Public Registry.

6.7 Selling a Woman's Sexual Services

This activity is illegal by virtue of the White Slave Traffic (Suppression) Ordinance.

6.8 Obstacles Eliminating the Exploitation of Prostitution and Traffic in Women

No obstacles pertain.

6.9 White Slave Traffic (Suppression) Ordinance

The White Slave Traffic (Suppression) Ordinance and the Criminal Code, prohibit such crimes. If a person practises prostitution outside of Malta, the offender is not liable to punishment in Malta, however, the person compelling and sending such person/s abroad is liable to punishment in living or present in Malta.

ARTICLE 7
Political and Public Life

7.1 Women's Role in the Political Sphere

A main objective of the national machinery on gender equality that is made up by the Commission for the Advancement of Women and the Department for Women in Society is to ensure that women have an effective voice in society, by sharing in decision-making at all levels and in all sectors, and by assuming positions of leadership and responsibility.

At the outset, the national machinery focused attention in this area. An overview of women's representativeness on government-appointed bodies was made and measures were initiated to increase the number of women therein. Measures were also taken to increase the number of women in the political sphere.

7.2 The Right to Vote

Women obtained the right to vote and stand for elections on 5 September 1947.

Following Malta's independence for colonial rule in September 1964, fundamental rights and freedom of the individual were introduced into the Maltese Constitution. The right to vote was given to citizens of Malta who were over the age of 21 years, must have resided in Malta during the two years prior to voter registration or for continuous periods amounting to twelve months.

In 1974, when Malta became a Republic, the right to vote was given to all citizens of Malta who had reached the age of eighteen, resided in Malta or having, during the eighteen months prior to registration, been a resident for a continuous period of six months or for a period amounting to six months.

Elections of members to the House of Representatives, are held not later than every five years and three months after the first sitting of Parliament. Elections are held on the basis of proportional representation by means of the single transferable vote.

In 1993, decentralisation took place and local councils were introduced. The Local Councils Act of 1993 regulates 67 councils, that manage basic services within all local communities. Elections to local councils are held every three years.

For the purpose of local council elections, a list of persons who are not citizens of Malta but who are entitled to vote is published. Entitlement to vote is given to foreigners on the basis of reciprocity and to date citizens of the United Kingdom of Great Britain and Northern Ireland have this right. Upon accession to the European Union, Schedule IX, of the Local Councils Act, 1993 will be amended granting the right to all citizens of the European Union to vote at Maltese local council elections in accordance with Directive 94/80/EC.

Electoral registers include all citizens of Malta who satisfy the conditions of the Constitution.

Voting is not compulsory and voting by proxy is not allowed. Men cannot vote in place of female members of their family, and nothing impedes women from

standing for or voting in elections, be it national or local, or in referenda. This right is reaffirmed by means of Cap. 11(14) of the Constitution of Malta.

The country enjoys a high degree of political stability with full respect for human rights. A high percentage of the population participate fully in all the normal processes of democratic politics. In the last national elections held in 1998, the voter turn out was over ninety per cent. The number of women who contested the elections was 30 compared with 252 men. Six women were elected to Parliament.

The Parliament of Malta consists of the House of Representatives and the President of Malta. Currently there are 13 electoral divisions, and 65 members of Parliament. Amendments were made to the Constitution in 1987, to ensure that the party holding an absolute majority of the popular vote governs, if necessary, through added seats.

The Speaker of the House of Representatives may be appointed from within or from outside the House. He or she benefits from all parliamentary privileges.

The Head of State is the President of the Republic, who is appointed every five years by a resolution of the House of Representatives.

7.3 Women's Representation in Parliament

Although half the electorate is female, women are still under-represented in public office. No quotas are in place for women to be elected to Parliament nor are seats reserved. To date, there is no committee in Parliament that deals specifically with women's issues.

Few women stand for elections. Since 1976, their representation in general elections has not been higher than 10%. In the most recent general elections held in 1998, the number of female candidates was 30 out of a total 282 contestants (Table 7.1). The percentage of female parliamentarians in 1998 was 9.2 (Table 7.2).

The first woman elected to Parliament was in 1947 and nominated President of Malta in 1982.

7.4 The Cabinet

Although executive authority is vested in the President, acting on advice of the Prime Minister or Cabinet, the appointment of Ministers is the prerogative of the Prime Minister. Ministers must be members of Parliament. Apart from the Prime Minister, there are currently 13 Cabinet Ministers, one of whom is a woman. Ministers may be assisted by Parliamentary Secretaries also appointed by the Prime Minister. At present there are 5 male Parliamentary Secretaries (Table 7.3).

7.5 Political Parties

Two major political parties are the Nationalist Party and the Malta Labour Party. Another party that regularly contests national elections is Malta's Greens Party, to date not represented in Parliament.

Both main political parties have a high percentage of female members. Each party has its women's section that conducts civic education programmes aimed at

increasing women's awareness of political life. Although women's membership in political parties is substantial, their representation on governing bodies is insignificant.

7.6 Campaigns: Women's Representation in Parliament

Over the past years, the national machinery has focused attention on women's participation in the political field. No legal barriers hinder women's participation, yet few opt to stand for elections, and fewer still succeed in getting elected.

The national machinery has lobbied political parties to take positive measures that help women overcome cultural obstacles in politics. As a result, internal structures where changed to encourage women adopt a more active role. Educational training programmes for women are organised by the respective political parties.

Women-specific courses aim at assisting women develop leadership skills, communication and campaigning ability, self-confidence and self-assertiveness, personal effectiveness, a greater sense of career direction, and determination to achieve goals. Today, women who have attended such courses hold office in Parliament, on local councils and on various public bodies.

7.7 Campaigns: Women Representation in Local Councils

When decentralisation was introduced in Malta in 1993, the national machinery ensured that women were represented on local councils. In the weeks preceding the elections to local councils, two-pronged campaigns were launched to encourage more women to stand for election, and to persuade the electorate to vote for women.

In the initial round of elections held between 1993 and 1994, television spots were shown on national television, and adverts ran in the print media, to encourage women to come forward and stand for elections. A number of adverts targeted voters.

Elections to local councils are now held regularly in a number of localities. In co-operation with media professionals, several features on women's political participation are carried on the different media. Public appeals are also made by prominent and influential individuals, such as the leaders of political parties, politicians, and non-governmental organisations. Women candidates are given publicity through exposure on television and radio programmes, interviews, and meetings with politicians.

7.8 Training Programmes in Politics

The national machinery organises courses for women candidates at national level and councillors working at the local level. These programmes provide appropriate tools for a political career.

In January 1996, a course was held for women who were to stand for general elections. The course was conducted by a foreign expert resource person and included sessions on the planning of election campaigns and communication skills. The course generated excellent publicity for the women candidates. No training programmes were held prior to the 1998 general elections.

Every year a seminar on Campaigning Skills is organised for female candidates as part of a support programme for women contesting elections at a local level. In January 2001, a workshop in preparation for the electoral campaign was held for women who contested the local council elections in March 2001. The theme was Leadership and Communication skills, and the aim was to train women councillors in basic interpersonal skills and help them face challenges in a male work environment.

7.9 Networking

The national machinery encourages networking between women candidates at national and local level and with women's NGOs.

7.10 Local Council Elections

On 10 March 2001, local council elections were held in twenty one different localities in Malta and Gozo.

Results suggest an upward trend in the number of elected female councillors rising from 16.4% in 1998 to 18.6% in 2001 (Table 7.5).

7.11 Positive Development

As a result of effort and initiatives, positive development is noted, amongst which are:

- an increase in the number of women candidates;
- an increase in the number of women elected, both on local councils and in Parliament;
- the first time appointment of a woman Speaker in House of Representatives;
- the appointment of women Ministers;
- the appointment of two elected female candidates as chairpersons of two parliamentary committees.

ARTICLE 8
International Representation and Participation

8.1 Participation in International Meetings/Conferences

Maltese women are given equal rights and opportunities as men to attend International meetings and conferences and participate in the work of International Organisations.

International meetings/conferences are attended by officials not solely from the Ministry of Foreign Affairs but from other Government Ministries. Such attendance often depends on the subject of the meeting/conference. When a meeting/conference is attended solely by participants from Ministries other than the Foreign Ministry, such participation is, in most cases, coordinated by the latter Ministry. Most international meetings are attended by officers at the highest levels of the relevant Ministry. However, such delegations often include officers at a more junior level.

Over the last few years, the participation of women in international meetings has increased considerably. More women than previously are working in the Public Service at diverse occupational levels. The number of women occupying higher positions has increased, as a direct consequence of a rise in the number of female university graduates in the Public Service. Also, married women are increasingly opting to remain in employment. The trend is that as more women continue to occupy higher posts, their participation in international meetings will be more frequent.

At the Ministry of Foreign Affairs, representation at most International Meetings/Conferences are at Director level. In 1999, the first two female Directors were appointed in the Ministry of Foreign Affairs. In 2001, one more female was appointed to the post of Assistant Director. Although the gender unbalance has clearly changed, the top-most positions within the Ministry remain male dominated. The Ministry's female Directors often form part of delegations led by the Foreign Minister or Prime Minister.

8.2 Participation in the Work of International Organisations

Maltese female diplomats working in Missions accredited to International Organisations stand on an equal footing with their male counterparts. To date, however, no woman holds the position of Head or Deputy Head of Mission.

8.3 Diplomatic Service

Equal employment opportunities pertain in the Maltese Diplomatic Service. The ratio of male to female diplomats in diplomatic service is narrowing down. In the last two sessions of the competitive public examination for recruitment of officers in Government's diplomatic service, held in November 1999 and September 2000 respectively, successful women applicants outnumbered men. In the year 2000, five women and two men were appointed second secretaries. The first woman joined the Maltese diplomatic service in 1966. By the end of 2000, the number of female diplomats had increased to 22 which amounts to 28 per cent of Malta's diplomatic corps. No programmes to encourage women to enter the foreign service are in place and given the above trend it is felt that no such programmes are needed.

In March 2001, Malta appointed the first female non-resident ambassador, and in July 2002, the first woman resident ambassador was appointed.

In 1998, the first female diplomat was appointed to the grade of Counsellor whilst the first female first Counsellor was appointed in the year 2000. No female has yet been appointed to the grade of Senior Counsellor (Tab. 8.1).

The highest position held by a woman within the Foreign Ministry's non-diplomatic staff is that of Director.

Maltese women diplomats have equal opportunities as their male counterparts to be posted in Embassies of Malta overseas. To date, most women diplomats have been posted to Western countries.

Maltese women diplomats have likewise the same opportunities as men to attend and participate in international meetings and to participate in the work of international organisations. There are no clear obstacles that come in the way of women's upward mobility in the Foreign Ministry. If advancement has been slow, this is due to similar factors that have impinged on women's advancement in other areas of employment.

ARTICLE 9
Nationality

9.1 Main Principles and Provisions

Malta acquired independence from British rule in 1964. The Constitution of Malta was enacted by the Malta Independence Order, 1964 and Chapter III of the said Constitution is dedicated to citizenship. The Constitution established that persons born in Malta before the 21st September 1964, one of whose parents was also born in Malta, automatically became citizens of Malta on the 21st September 1964. It established further that persons born in Malta after independence acquired Maltese citizenship by mere birth in Malta (jus soli).

The principle was then also established that a Maltese citizen shall not have any other citizenship and that if a person who is a citizen of Malta possessed any other citizenship whilst still a minor, that person has to decide which citizenship to retain between his eighteenth and nineteenth birthday. Moreover Maltese citizens who, when of adult age acquired the citizenship of some other country, ceased to be automatically citizens of Malta. Furthermore, foreigners who acquired Maltese citizenship by registration or naturalisation had to renounce any other citizenship held by them within six months or three months as the case may be.

It is perhaps pertinent to point out also that, in the case of a child born abroad, Maltese citizenship could only be acquired if the father was a citizen of Malta at the time of the child's birth. That is, a Maltese mother could not transmit her citizenship to her child born outside Malta (unless she was unmarried).

The Maltese Citizenship Act was enacted in 1965 to complement the provisions on citizenship in the Constitution and to make provisions for the acquisition of Maltese citizenship by registration (in the case of Commonwealth citizens, after five years residence in Malta) and by naturalisation (in the case of all other aliens, after six years residence in Malta).

The Immigration Act enacted in 1970 laid down the provisions for the immigration control of foreigners in the Maltese Islands.

Over the years various amendments were made to legislation, especially on the 13th December 1974 when Malta was declared a Republic. Significant changes took place in 1989 when Parliament approved Acts No XXIII, XXIV, and XXV which amended the Constitution, the Maltese Citizenship Act and the Immigration Act respectively. These amendments were intended to:

- allow Maltese emigrants to hold dual citizenship;
- grant the same rights to the foreign husband of a citizen of Malta as those already enjoyed by the foreign wife of a citizen of Malta; and,
- ensure that foreigners married to citizens of Malta will continue to enjoy residential and employment privileges on the death of the (Maltese) spouse.

Important changes were effected once again to the above-mentioned legislation when Acts No III and IV of 2000 were enacted on the 31st January 2000 and came into effect on the 10th February 2000. By means of these acts:

- all detailed citizenship provisions were removed from the Constitution and incorporated in the Maltese Citizenship Act, thus retaining the main principles in the Constitution;
- dual citizenship, previously an exception restricted to Maltese emigrants, has now been made the rule. A citizen of Malta may hold another citizenship or other citizenships (multiple citizenship);
- foreigners married to citizens of Malta may apply for Maltese citizenship on the strength of their marriage only if they have been married for at least five years;
- children born to Maltese mothers between the 21st September 1964 and the 31st July 1989 shall be entitled to be registered as citizens of Malta.

9.2 1989 Amendments to Chapter III of the Constitution

9.2.1 Dual Citizenship

Section 26(3) of the Constitution was amended to enable Maltese emigrants to hold dual citizenship. This, was only possible if the country of which they were citizens recognised the dual nationality concept. In such a case, a person fulfilling all necessary requirements, was deemed not to have ceased to be a citizen of Malta when acquiring citizenship of the country of adoption. For example, if, a person became a citizen of Canada on the 20th August 1978 before the amendment, that person was considered not to have ceased to be a citizen of Malta as of that date.

9.2.2 Effects of Dual Citizenship on Children who were Born Abroad after their Father became a Citizen of the Country to which he Emigrated

Prior to the 1st August 1989 when a child was born abroad to a former male citizen of Malta (that is, a person who was a citizen of Malta and who denounced Maltese citizenship after acquiring the citizenship of the country to which he emigrated) that child was not deemed a citizen of Malta at birth.

Since, however, the father (as from the 1st August 1989) was reinstated in his previous status as citizen of Malta with effect from the date when he acquired the foreign nationality, that child would also acquire Maltese citizenship with effect from his/her date of birth as the father is deemed to have been a citizen of Malta at the time of the child's birth.

9.2.3 Maltese Citizenship by Birth in Malta

Prior to the 1 August 1989, a person born in Malta was deemed a citizen by mere birth in Malta. The Constitution was amended to limit such acquisition. As from the 1 August 1989 a person born in Malta shall become a citizen of Malta only if either one of his parents:

- is a citizen of Malta; or,
- was born in Malta, emigrated and is now the citizen of another country.

9.2.4 Maltese Citizenship for Persons Born Abroad

Prior to August 1989, a person born abroad acquired Maltese citizenship if at time of birth the father was a citizen of Malta himself born in Malta or who acquired Maltese citizenship by registration or naturalisation.

As from 1 August 1989, a person born abroad shall become a citizen of Malta if either of his parents is a citizen of Malta as explained in the preceding paragraph. That is, from the said date a child born abroad to a female citizen of Malta shall also become a citizen of Malta by descent.

9.2.5 Maltese Citizenship through Marriage

Prior to August 1989 a foreign woman married to a citizen of Malta or to a person who became a citizen of Malta was entitled to become a citizen of Malta by registration.

As from the 1 August 1989 such entitlement has been conferred also on the foreign husband of a female citizen of Malta.

Such entitlement, moreover, is applicable also to a widow or widower of:

- a person who would have become a citizen of Malta on the 21st September 1964 had that person not died before that date; or,
- a person who was a citizen of Malta at the time of that person's death.

In each case, however, the Minister responsible for matters relating to Maltese citizenship must be satisfied that the grant of citizenship to such person is not contrary to the public interest.

9.2.6 Maltese Citizenship by Adoption

Prior to January 1977 a person who was lawfully adopted by citizens of Malta became a citizen of Malta by adoption. As from that date, however, it was no longer possible to acquire Maltese citizenship through adoption.

The constitution was amended once again to reintroduce acquisition of citizenship by adoption. As from August 1989 a child will become a citizen of Malta by adoption provided that child is under ten years of age on the date of adoption.

9.3 1989 Amendments to the Maltese Citizenship Act (Cap. 188)

9.3.1 Maltese Citizenship by Naturalisation

As from August 1989 any person may be naturalised as a citizen of Malta if that person has resided in Malta for at least five years.

9.3.2 Naturalisation as Citizens of Malta of Persons who can Prove Descent from a Person Born in Malta and who are Citizens of a Country the Access to which is, in their Case, Restricted

A new provision of the Act-Section 3(4)-makes it possible for a number of persons, the majority of whom reside abroad, to apply for Maltese citizenship if:

- they are citizens of a country other than the country in which they are residing; and
- their access to the country of which they are citizens is restricted; and
- they can prove descent from a person born in Malta.

The Minister responsible for matters relating to Maltese citizenship, however, must be satisfied that the grant of citizenship to such persons is not contrary to the public interest.

9.4 2000 Amendments to the Citizenship Legislation

Amendments to Chapter III of the Constitution

Chapter III of the Constitution has been amended by Act III of 2000 so that only the general principles concerning Maltese citizenship are to appear therein. All detailed provision on citizenship has been incorporated in the Maltese Citizenship Act (Cap. 188).

Section 22 of the Constitution has been substituted by the following:

- The acquisition, possession, renunciation and loss of Maltese citizenship shall be regulated by law.

- Dual or multiple citizenship is permitted in accordance with any law for the time being in force in Malta.

Section 23, 24, 25, 26, 27, 30 and 31 of the Constitution have been repealed.

Section 28 and 29 have been renumbered as sections 23 and 24 respectively.

9.5 2000 Amendments to the Maltese Citizenship Act (Cap. 188)

9.5.1 Dual or Multiple Citizenship

Act No. IV of 2000 has introduced amendments to the Maltese Citizenship Act to give effect to new provisions governing dual or multiple citizenship:

Section 7 introduces the new cardinal principle:

It shall be lawful for any person to be a citizen of Malta, and at the same time a citizen of another country.

This means that if a citizen of Malta acquires another citizenship on or after 10 February 2000 – the date when all provisions of the new law came into effect – that person may hold such other citizenship together with his Maltese citizenship.

It means also that a minor who is a citizen of Malta and possesses also a foreign citizenship as well as persons who on 10 February 2000 were over 18 years of age but had not yet attained their nineteenth birthday and were in possession of two citizenships, for example Maltese which they acquired by descent and another citizenship which they acquired by birth in a foreign country, may hold both citizenships indefinitely.

Section 9 of the Act stipulates that a person, born in Malta or abroad, who was a citizen of Malta by birth or by descent and who resided outside Malta for a period of at least six years and who acquired or retained citizenship of another country shall be deemed not to have ever ceased to be a citizen of Malta.

Children born abroad to Maltese emigrants, who on 10 February 2000 were over nineteen years of age and who always resided in their country of birth, automatically re-acquire Maltese citizenship.

Section 8 of the Act stipulates that a person who, before February 2000, had ceased to be a citizen of Malta because he/she lost Maltese citizenship on acquiring a foreign citizenship or because he/she failed to renounce a foreign citizenship within the time prescribed by law, shall be entitled to re-acquire Maltese citizenship by registration.

Former citizens of Malta who were born or acquired Maltese citizenship on or after September 1964, but who have not resided abroad for at least six years and those persons who were citizens of Malta by registration or naturalisation and lost their citizenship, are now entitled to be registered as citizens of Malta. These persons, without having to satisfy any residence conditions and irrespective of where they are now residing (whether in Malta or abroad), may submit and application to be registered as citizens of Malta.

It should be noted, that former citizens of Malta who acquired Maltese citizenship by registration or naturalisation, shall be granted Maltese citizenship only if the Minister responsible for citizenship matters is satisfied that such grant is not contrary to the public interest.

In all those cases where a foreign national has to apply to acquire Maltese citizenship (that is, where citizenship is being acquired by a voluntary act) it is important for the applicant to verify loss of citizenship of country of origin because of the voluntary act.

9.5.2 Maltese Citizenship through Marriage

Prior to 10 February 2000 the foreign spouse of a citizen of Malta could apply for registration as a citizen of Malta immediately after marriage. This is no longer the case. Following amendments to the Act the foreign spouse may apply for Maltese citizenship only if he/she would have been married to a citizen of Malta for at least five (5) years and still be living with Maltese spouse at the time when an application for citizenship is made (Sections 4 and 6 of the Act).

A foreign person whose Maltese spouse dies before the fifth year of marriage, is entitled to apply for Maltese citizenship following a lapse of five years from the date of marriage and on condition that the foreign spouse was still living with the Maltese spouse at the time of his/her demise.

The law has been amended to make it possible for foreigners who are separated *de jure* or *de facto* from their Maltese spouse to be entitled for citizenship as long as the separation occurs after the fifth year of marriage and the couple resided together during the five year period.

9.5.3 Acquisition of Maltese Citizenship by Children whose Mother was a Citizen of Malta at the Time of their Birth

Prior to 1989 amendments to the Act, citizenship was transmitted to the children only by the father. As from August 1989, Malta introduced the transmission of Maltese citizenship through the mother. Children born abroad to a woman who was a citizen of Malta, are entitled to Maltese citizenship.

The law has now been further amended to give opportunity to all those persons who were born on or after the 21 September 1964 and before 1 August 1989 to acquire Maltese citizenship by registration. Irrespective of whether these persons reside in Malta or abroad and without having to satisfy any residence conditions, they may apply for registration as citizens of Malta and retain such citizenship together with their existing citi enship.

When a foreign national applies for Maltese citizenship, where citizenship is being acquired by a voluntary act, the applicant must verify whether he/she might lose citizenship of his/her country as a result of a voluntary act.

9.5.4 A New Born Infant Found Abandoned in Malta shall be Deemed to be a Citizen of Malta

Prior to amendments, a new born infant found abandoned in Malta was deemed to have been born in Malta. However, he/she could not claim Maltese citizenship as it was not known whether one of his/her parents was a citizen of Malta, a prerequisite for a child born in Malta to acquire Maltese citizenship at birth. Therefore, that child was stateless.

The law has now been amended to the effect that the said child is deemed to be a citizen of Malta until his/her right to any other citizenship is established.

9.6 Minors

Section 11 of the Maltese Citizenship Act lays down the naturalisation of a minor child as a citizen of Malta. Nationality may be conferred by either mother or father of minor. The Civil Code provides for joint parental authority.

New passport regulations complementing the Passports Ordinance enforces the provisions of the Civil Code. After 1 April 2001, particulars of minors under sixteen years of age may only be included in the passport held by the father, mother, tutor, tutoress, or curator, curatrix as would still be valid on or after that

date. No joint passport will be issued after that date and minors have to apply for a separate passport.

9.7 Passport Regulations

The application form requires both spouses to give details of their marriage. A married or separated female applicant, must produce the marriage certificate and husband's passport number. If husband does not have a passport, the husband's birth certificate and the husband's father birth certificate are essential.

A passport is changed each time a person changes name. Although a woman decides to retain her surname upon marriage she is still required to change her passport. She must apply for a new passport ten days before marriage upon presentation of the certificate of marriage bans and may only be picked up by anyone of her parents or anyone of the groom's parents before marriage and upon filling in a withdrawal form which binds the person collecting the passport not to release the passport before the marriage has taken place.

ARTICLE 10
Education

10.1 Education

The main aims and objectives of the Maltese educational system are laid down in the Constitution and in the Education Act of 1988 (Act XXIV of 1988).

The Constitution imposes the following obligations upon the State:

- the provision of compulsory Primary Education, which shall be free in all State schools;
- the provision of scholarships and of financial assistance to ensure the right of the individual to attain the highest level of educational achievement;
- the development of cultural and scientific and technological research;
- the development of professional and vocational training.

Another section of the Constitution enshrines the right of disabled persons to education.

The Education Act (1988) amplifies the Constitutional provisions and is the main legal instrument governing educational provision in the Maltese Islands. In conformity with the Constitutional provisions, the duties of the State are: to promote education and instruction; to ensure the existence of a system of schools and institutions accessible to all Maltese citizens catering for the full development of the whole personality including the ability of every person to work; to provide for such schools and institutions where these do not exist.

The law also acknowledges the right of the State to establish a minimum curriculum for all sectors of the educational system, irrespective of whether schools are administered by the State itself or organisations. Similarly, the State has the right to establish minimum conditions which its own private and church schools have to fulfil.

As part of its on-going staff development initiatives, the Education Division organises in-service courses on a large scale in various subjects and educational areas. Moreover, it awards bursaries and scholarships offered under various bilateral and multilateral agreements and as a result of membership in International Organisations such as the Council of Europe, the Commonwealth and UNESCO.

The law also recognises basic individual rights.

The law imposes compulsory education between the ages of five and sixteen, effectively recognising current Maltese perceptions of the importance of education (most children start attending pre-school at the age of three years).

The law also recognises the professional status of teachers.

The 1988 Act, obliges the State to provide free university education to all students with the necessary entrance qualifications. Subject to fulfilling course entry

requirements any student has the right to register in a course of his or her own choice, with no barriers placed by the *numerus clausus* or other factors.

Post-compulsory education is provided free of charge to all students who choose to further their studies after finishing their secondary education at age sixteen.

The Department of Further Studies and Adult Education is responsible for promoting, developing and co-ordinationg post secondary and adult education.

This Department is responsible for:

- provision of courses of further studies and of vocational education and training to post compulsary school age students;
- organisation of apprenticeship schemes in collaboration with the Employment Training Corporation and the issuing of the maintenance grants to students enrolled in these schemes;
- compiling, publishing and making available annually a copy of the Prospectus of the Post Secondary Courses to about 5,000 Secondary School leavers attending State & Non State Schools;
- organisation, management and development of the Media Education Broadcasting Centre including TV Channel Education 22;
- organisation and running of adult and evening courses in various centers.

Malta has a long established tradition of organising and running adult and evening courses for students and adults in various centers. A catalogue of adult and evening courses is published every August. Copies are usually distributed to local councils, district libraries and various industrial enterprises. The Department's website gives detailed information regarding these courses.

During the year 2000, the department offered about 235 courses to about 6,700 students in a variety of subjects, ranging from academic subjects to vocational courses, leisure and cultural accretion courses.

Since the Commission for the Advancement of Women was set up in 1989, priority was given to educate and empower women through equality of opportunity in education and the attainment of academic qualifications. Recommendations were made to the Education Authorities on equal access to education; a common school curriculum for boys and girls; the elimination of sexism from primary school textbooks; the introduction of sex education in schools; the introduction of morning classes for adults; gender sensitising for teaching staff; the introduction of a gender perspective in subjects taught in schools and at the University of Malta.

A number of public seminars on these issues, were held jointly with the Education Division, the Faculty of Education of the University of Malta, and the Malta Union of Teachers (MUT).

10.2 Free Schooling

Education in all State institutions, from kindergarten to university, is free of charge. Students of compulsory school age have access to free textbooks and transport.

The State subsidises schools which are owned and administered by the Catholic Church. This arrangement followed the 1991 agreement between the Maltese Government and the Holy See, wherein the State reiterated the recognition of the right to freedom of education. Private schools fees are partially subsidised.

Free education and specialised training are also provided to those who wish to attain certification in trade and vocational courses. Existing apprenticeship schemes were upgraded to improve the skills of tradesmen, and a technical apprenticeship scheme was launched.

Post-compulsory school students receive State grants.

The Education Act of 1988 makes provision for work opportunities for post secondary and B.Ed students, under the supervision of the education authorities during the summer months. The students are paid by the State.

10.3 National Minimum Curriculum

The National Minimum Curriculum for the different levels of the educational system was introduced in 1990, and is followed by all State, church, and privately administered schools.

Over the years, a revision of the National Curriculum was followed by a national conference on recommendations and implementation of a new National Curriculum in June 2000. A National Steering Committee on the implementation of the National Minimum Curriculum was appointed on 26 January 2000.

On 1 September 2000, the National Minimum Curriculum took effect by law in virtue of Legal Notice 132 of 2000 related to the Education Act (Cap. 327) entitled National Curriculum Regulations.

In January 2001, the Strategic Plan for the Implementation of the National Minimum Curriculum became applicable, pending endorsement by Government.

The creation and use of a School Development Plan became mandatory for all schools in Malta and Gozo, church and independent schools included, as soon as possible and by not later than 1 October 2000.

Sixteen specialised focus groups were set up by the National Steering Committee, one of which will work on gender and the National Minimum Curriculum.

Recommendations on policies, structures and processes were drawn by the Gender Focus Group that include the following:

Policies

- To prepare legislation to ensure gender equity.

- To ensure that the deployment of administrative and teaching staff is gender sensitive.
- To safeguard staff by a Code of Practice.
- To require Schools to have in-house gender equity policy.
- To have a written policy statement on equal gender opportunities.
- To set up guidelines for elimination of gender stereotyping.
- To establish framework to ensure that gender equity permeates all new NMC programmes.

10.4 Kindegarten and Primary Schools

Kindergarten education is open for registration of children over 3 years of age. There is a primary school and attached kindergarten centre in every town and village. Attendance at kindergarten is optional.

Primary education runs over a six-year period. Classes in primary schools never exceed 30 pupils, and the majority of teaches are professionally trained. All primary schools offer remedial education.

10.5 Secondary Education

Students who successfully complete their primary education move on to secondary education. Secondary education lasts for 5 years, and leads to the Secondary Education Certificate Examinations of the University of Malta and the General Certifiacte of Education at Ordinary Level.

10.6 Vocational Courses

Vocational courses are also held at secondary and post secondary compulsory level of education. Women make up 33 per cent of the student population in vocational courses in scholastic year 2000/2001 and were largely concentrated in female dominated classes, i.e. hairdressing and beauty therapy and banking, insurance and secretarial.

Up to the year 2000, the Department of Further Studies and Adult Education was responsible for 13 schools offering full time courses for post compulsary age students. As from August 2000, the MCAST was set up as a foundation through a public deed. The Statute of the College has been published and the first Board of Governors as required by the Statute was appointed.

10.7 Inclusive Education

An Inclusive Education Policy is in force, whereby mainstream schools offer educational facilities to all children irrespective of their physical, mental, sensorial and emotional conditions. To meet the demands of students with special educational needs in mainstream schools, the Education Division together with the Faculty of Education of the University of Malta run a number of certificate courses to train facilitators (teachers' classroom assistants). The Education Division and the Faculty of Education also run post-graduate courses for teachers who wish to advance in their studies to become prospective special educational needs co-ordinators in mainstream schools.

10.8 Special Needs Centres

To complement the Inclusive Education Policy, what were once Special Schools are now being turned into Special Needs Centres. Special equipment and facilities are being provided in these centres, such as multi-sensory rooms, hydrotherapy pools, sophisticated I.T. hardware and software etc. Children with special needs in the mainstream will then be provided with an individualised educational programme (IEP) and proper support given to mainstream classroom teachers and to the parents of the students.

10.9 Support Services

The Education Division provides a wide range of support services to schools. These include:

Guidance and Counselling Services, which provide curricular, vocational and personal guidance to secondary and post secondary school students and counselling to Primary and Secondary School students, by trained Counsellors and Guidance Teachers. Their range of work includes the transition exercise from one sector to another, the Option Exercise at 13, 14 years old, guidance for Post 16 educational courses, career seminars, career orientation visits and information leaflets.

Centre for Schoolgirl Mothers: Towards the end of 1996 the Education Division officially inaugurated a Centre to help schoolgirl mothers below 18 years of age. This service aids girls who become pregnant with immediate assistance, as well as counselling and training in parenting skills. Counselling is extended to the girl's partner, and parents.

School Social Work Service provided by trained Social Workers, aims at helping pupils and students with problems pertaining to regular school attendance, and provides links between school and home through visits and the necessary intervention where necessary.

School Psychological Service which is responsible for identifying, proposing and implementing methods of dealing with psychological problems in school children so as to facilitate students' learning and development.

Educational Medical Service which provides advice to Heads of Schools, staff, parents and the Education Division itself, on health aspects, diseases and problems, so as to provide the healthy development of students in educational environments.

School Library Service offers support to schools in the form of advice on librarianship, purchasing, classification, and cataloguing of books, in support of the curriculum.

Youth Services Organisation is responsible for school partnership and exchanges especially at the European level. It provides cultural and other support to schools at the national level and runs a Centre for use by both Maltese and foreign students.

Sport Services, which seeks to promote and organise varied and appropriate programs of sport activities, thus enhancing the personal development of pupils and students.

Safe Schools Programme, which seeks to provide a safe school environment for all pupils and students of compulsory school age, especially through Child Safety (Child Abuse); anti-bullying and anti-substance abuse services.

Art Therapy Service, what provides help through Art to individuals who experience psychological difficulties.

Complementary Education Unit, run by the Curriculum Department, which provides remedial education, by support teachers, in every primary school.

10.10 University

During the academic year 2000/01, there was a total of 7,953 students at University. The number of female students rose considerably to outnumber men at 54 per cent of total student population (Table 10.1).

A total 1,717 students graduated in 2000, 890 of whom were women, accounting for 52 percent of the total number of graduates (Table 10.2).

A diploma in Gender and Development is co-ordinated by the Workers' Participation Development Centre at the University of Malta and is part-sponsored by the Commission for the Advancement of Women. The two-year part-time programme is held in the morning and is particularly popular with women returning to education.

10.11 University of the Third Age

The University of the Third Age was set up on 23 January 1993 with the aim of running programmes that are specially planned to be intellectually, culturally enriching and informative. The institution caters for persons over sixty years of age.

In the academic year 1998/99, the University of the Third Age catered for 853 persons, 595 of whom where women.

10.12 Adult Education

Adult Education morning and evening classes are popular with women, in particular. The Adult Education Unit organises classes in basic Maltese, English and Maths. A number of courses are organised in conjunction with other bodies. These include parenting skills, basic Education Courses for Armed Forces of Malta, English Language Courses for personnel forming part of the Italian Mission and courses for refugees. In March 1999, there were a total of 987 students attending these courses of which 702 were women.

10.13 Women Returners Courses

A women returners course is co-ordinated by the Ministry for Social Policy and is organised by the Employment and Training Corporation and the Office of Co-operatives. The course runs over a period of 8 weeks and women are empowered through sessions in personality development.

10.14 Equal Opportunity in Education

The level of education in Malta is rising constantly. Female student enrolment in the three main levels of education in Malta as at 2000 is shown in Table 10.3.

The number of women attending general secondary and post-secondary education increased by 1 per cent between 1999 and 2000, whereas enrolment at vocational secondary and post-secondary schools dropped by 10 per cent over the same period. Women's share in University education at academic year 2000/01 stood at 54 per cent.

10.15 Correlation between Market Participation and Educational Attainment

Over 50 per cent of women who participate in the full-time workforce, have a secondary level of schooling. Moreoever, 14 per cent of female workers have attained tertiary education compared with 9.5 per cent of their male counterparts. Of those persons who are actively seeking employment, 6.5 per cent of female registrants have had post-compulsory training compared to a low 3.6 per cent of unemployed tertiary educated men. Table 10.4 shows persons who are actively seeking employment by registering for work at the Employment and Training Corporation. Such persons fall under the category of *unemployed.* The inactive population, on the other hand includes those persons who are not registered as seeking any kind of economic activity. The latter group includes women who for Census purposes claim to be *looking after home and family.*

10.16 Expenditure on Education

Total Recurrent Expenditure stood at Lm59 million and Total Capital Expenditure was Lm9.1 million for the period January to December 1998.

10.17 Teaching Staff

The total teaching staff complement in both State and private schools continued to increase during 1998/99 to reach a total of 7907, 2.3 per cent over the complement for 1997/98. The total female teaching staff numbered 4,754 accounting for 60 per cent of the total.

The pupil/teacher ratio within the private sector for the pre-primary level and the secondary level, including the post-secondary, remained unchanged at 1:20 and 1:11 respectively.

10.18 Scholarships

Scholarships and study grants based on aptitude and capability are awarded to men and women.

ARTICLE 11
Employment

11.1 The Employment of Women

Women's employment profile is based on statistical data. Two sources of data are available: the Labour Force Survey administered by the National Statistics Office and the Administrative Employment data compiled by the Employment and Training Corporation.

Table 11.1 represents the total labour supply for 1999 and 2000, that includes all economically active persons, i.e. those persons with a job and those actively seeking employment. Included in the count are only those engaged in full-time work force participation and formally registered as unemployed.

11.2 Age Structure of the Working Population

The dominant feature in the pattern of female full-time employment is the high level of market participation of women in the twenty to twenty-four age interval. Full-time economic activity drops sharply after the age of twenty-five revealing a trend of domesticity amongst women in the so called 'prime' age for work. Admittedly, there seems to be a gradual upward turn in market participation among women in the middle years possibly due to less pressing commitments related to marriage, house chores and nurturing.

11.3 Salary-differential in Full-Time Employment

The mean gross salary from the main occupation for people in employment stood at LM 5014 per year. Fifty per cent of all people in employment earned a gross salary of less than LM 4300 from their main occupation. The most recurring gross salary from the main occupation was LM 3000 which is equivalent to the minimum wage. Twenty-five per cent of all persons in employment earned a gross salary of over LM 5772 per year from their main occupation.

Between May 1999 and May 2000, the mean salary earned by the full-time workers stood at LM 4739 per annum. At an annual average of LM 4196, women were paid LM 707 less than men whose mean salary stood at LM 4983.

Findings in the 2000 Labour Force Survey carried out by the National Statistics Office reveal that the trend in wage differential is consistent across broad occupational categories. Determinant factors include the fact that women, on average, might be paid less than men for the same job and that men tend to occupy the higher positions that usually carry higher salaries.

11.4 Women's Occupations

The increase in the gainfully occupied population in the past years was largely generated in the market services sector. The respective shares of direct production and non-market services declined, thus registering the gradual shift by the Maltese economy from primary and industrialised activities towards services - related sectors.

In December 2000, 26,808 women, as compared to 61,916 men, were employed in the private sector; 12,693 women and 35,286 men were in Public Service employment.

In the public service, women are grouped mainly in the education and health sectors. In the private sector, they are concentrated in wholesale and retail trades and in the manufacturing of food, footwear, clothing, chemical products, leather and leather goods, electronic machinery, printing and allied industries.

The majority of jobs carried out by women at industrial estates have a domestic orientation, or otherwise involve routine operations which require no particular skill. Women outnumber men within the workforce of most enterprises operating from industrial estates. Yet, it is women who occupy, almost without exception, the jobs lowest in the work hierarchy and secretarial posts. In contrast, men are spread more evenly along all levels of the organisation and continue to enjoy a near monopoly of posts at managerial and supervisory levels.

11.5 Part-time Employment

Part-time employment is an overwhelming phenomenon that has characterised women's movement into market work. It is a form of employment that has allowed, possibly, even encouraged women with familial obligations, to participate in the paid workforce.

In 2000, total part-time employment stood at 36,522, broken down into 20,633 men and 15,889 women. Part-time employment as the primary occupation stood at 18,689, of which, 7,250 were married women and 4,082 single women. Part-time employment as the secondary occupation for employees already holding a full-time job, stood at 17,833, of which, 1,815 were married women and 2,742 were single women.

The Part-Time Work National Standard Order, 1996 (Legal Notice No. 61 of 1996), came into force on 9 April 1996. Legal Notice No. 61 of 1996 provides for pro-rata benefits of all leave which includes vacation, sick, birth, bereavement, marriage and injury, calculated on the minimum leave entitlement applicable to whole-time employees on similar duties with the same employer. These proportional benefits, however, apply only to those whose part-time job is their primary source of income and provided also that the number of hours worked are not less than twenty hours per week. Pro-rata benefits of all leave are granted to employees in the teaching profession who are engaged part-time for not less than fourteen hours in any week. The problem with such a system is that it may be possible for unscrupulous employers to avoid entering into such a commitment by employing part-time staff for any number of hours below the threshold.

Article 25 in the Employment and Industrial Relations Act, 2002 lays down that part-time employees shall not be treated in a less favourable manner than comparable whole-time employees. The new law also provides for timely information on the availability of part-time and whole-time positions in the place of work as well as access to vocational training or career advancement opportunities.

The Employment and Training Corporation has recently introduced a part-time employment register on its website. The Register enables workers who wish to

work part-time to submit their details online, where they can be seen by employers seeking part timers.

Part-time job seekers may list up to three job preferences and submit their *curriculum vitae*. The CVs are carried in a restricted area of the website which may be accessed only by accredited employers.

Job seekers may submit their details to the register either from their own computers or at local councils and the ETC job centres.

Applicants are informed by email that their CV is listed. CVs are displayed for 30 days but applicants could have their CV removed sooner. Extensions to the 30-day period will also be possible.

Employers looking for part-time workers and having access to the restricted area of the ETC's www.etc.org.mt may view the details of the job seeker and if considered suitable the employer may contact the job seeker and propose employment.

11.6 Unemployment

The total number of registered unemployed stood at 6,583 in 2000. Women registering for unemployment benefits made up only 14 per cent of the total unemployed in 2000. The relatively low number of women registering as unemployed may possibly indicate a greater female participation in the informal economy (Tables 11.2, 11.3).

11.7 Home-making and Voluntary Work

Non-market work that includes household production and volunteering has no exchange value and is not included in national accounts statistics. Full-time housewives do not benefit from a home care allowance and are not entitled to a pension when they reach the age of 60. A 2001 study carried out by Frances Camilleri for the Commission for the Advancement of Women suggests that women spend an average time of eleven hours a day on tasks that mainly benefit others. The questionnaire survey focused on a representative sample of 800 women aged between 18 and 60 and sought insights into women's social and economic contribution through content analysis and time user data.

11.8 Women in Management

The representation of women in decision-making and at management level is still inadequate and it is one of the main areas which is being specifically tackled in the national plan of action for gender equality. It is envisaged that in few years time, more women will be prepared to take up managerial posts given the large number of women who are choosing to take up management studies at tertiary level.

11.9 The Public Service

The Public Service is in the process of drawing up a plan of action to increase the number of women in senior posts. In the most senior grades within the Civil Service, i.e. scales 1-5, a 12 per cent female representation is low. In 2000, there was one woman in the highest scale. There were 15 women in Scale 4, and 44

women in Scale 5. No women are found in the grade of permanent secretary. Table 11.4 shows the first three top grades in the Public Service.

11.10 Economic Decision-Making

Data on women and economic decision-making, especially in areas relating to business ownership, remains sparse. In 1994, women constituted 12.5% (691) of a total 5,507 holding top and middle management positions in the private sector. This figure rises to 26.5% for women in self-employment (Table 11.5).

In 1994, women held senior management positions in only 4 of the top 10 commercial enterprises. These were: TeleMalta Corporation with 4 female managers (40%), followed by AirMalta Co. Ltd. with 3 (5.2%), Brand International Ltd. with 1 (12.5%), and EneMalta Corporation also with 1 (10%). SGS Thomson Ltd., the enterprise having the highest percentage of female employees, (41%), was totally managed by males. On the other hand, TeleMalta Corporation had a high percentage of women managers - 40% - in proportion to its percentage of female employees - 9.9% (Table 11.6).

In the banking sector, in 1994, women held only 10.5% of total managerial posts. A.P.S. Bank was the only bank that had no women managers, while Lombard Bank and the Central Bank had only 4.16 % and 6.6% respectively of their managerial grades held by women (Table 11.7). Although information is somewhat dated, it is nonetheless indicative of labour market trends in Malta.

11.11 Unionisation

Data on the unionisation of women workers are not exhaustive. It was only in 1992, that trade unions became obliged to submit sex-disaggregated information on their membership. In accordance with provisions of the Industrial Relations Act, trade unions must submit an annual report on their membership to the Registrar of Trade Unions. Reports are published in the Government Gazette. Most trade unions comply with the legal provision. However, a number of small unions, and the Medical Association of Malta (MAM), have, as yet, never published membership data that is broken down by gender.

It is calculated that, in June 2000, approximately 46% of the full-time work force of 42,384, were unionised. (Table 11.8).

11.12 Level of Unionisation

There is a dearth of women occupying high level posts in trade unions, even in areas of the labour market that are dominated by women, such as manufacturing, wholesale and retail trades. There are only 3 women out of 55 members on the national council of the General Workers Union (GWU) and another two women out of 28 officials serving on the national executive of the Union Haddiema Maghqudin (UHM), the second largest union.

11.13 Training in Management

Training in management skills aimed at women is on the increase. The Staff Development Organisation (SDO) runs management-related training courses for public service employees. However, few women have benefited from this training

as courses are to date offered to officers already in the higher grades of the public service, where women are still under-represented.

11.14 Equal Opportunities in Education and Training

A considerable increase in the opportunities for education and training has been registered over the past 10 years. Women are participating more than ever in educational programmes, particularly those programmes aimed for adults: literacy programmes, morning and evening adult classes. There was also a substantial increase in the number of women studying at post compulsory level of schooling.

11.15 Post-Secondary Education (Junior College)

In the past few years there was a constant increase in female students in post-obligatory education. In March 1999, females formed 57.7 per cent of the total number of students over sixteen years of age attending the University's Junior College (Table 11.9).

11.16 Tertiary Level

In the academic year 1999/00, the number of women enrolled at the University of Malta surpassed that of men, by 52.4%. Out of a student population of 7,375, 3,864 were women (Table 11.10). Moreover, women seem to be less concentrated in female dominated areas of study. They are present in most faculties and departments. Mechanical and Electrical Engineering remains the least popular with female students (Tables 11.10 and 11.11).

The number who graduated from the University of Malta with degrees, diplomas or certificates, is on the increase. In 1999, there were 1,022 women graduates, as compared to 958 men (Table 11.12).

11.17 Vocational Training

Free education and specialised training is provided for all those who wish to qualify in trades, skills, artisan, technical or commercial activities. Several apprenticeship schemes, open to both young men and women, are also provided. Students who join these schemes receive training by their employer. However, women still stay away from vocational training that tends to be largely dominated by men.

Data derived from the Department of Further Studies and Adult Education for scholastic year 2000-2001 reveal that women in vocational courses only make up 33 per cent of student population, and are mainly concentrated in courses related to hairdressing and beauty therapy and the secretarial and insurance.

The participation of women in the vocational training courses and in re-training courses organised by the Employment Training Corporation (ETC) is also on the increase.

A strategic goal of the Employment and Training Corporation is to create equal opportunities. The ETC delivers short competence based training programmes in trade-related and office based skills designed for the effective deployment of human resources. Since its set-up in 1991, several courses were organised specifically for adult learners in clerical/typing skills. These were open to both men and women, but

were mainly attended by women. Women of any age are free to join any other ongoing course. Women over 30 years, have from time to time, joined courses in office skills, typing, computer, front office, and retail.

Creating equal opportunities is one of the strategic goals of the ETC. Its main objectives towards this aim are:

- to move towards a gender mainstreaming policy adopted by government through the facilitation of a culture of equal access to training and employment for women and men, by promoting active labour-market policies, by paying attention to obstacles that hinder women from seeking productive employment and self-employment, and by ensuring that women benefit positively from flexible forms of work organisation;

- to attempt to reduce the gender gap in unemployment rates between women and men by actively supporting the increased employment of women, while promoting equal representation along different sectors and occupations;

- to promote the introduction of family-friendly policies and to maximise the outcomes from such initiatives to the greater benefit of women;

- to pay special attention to women and men returners, by seeking to eliminate barriers to such employment and by seeking the training and re-training opportunities to adapt job-skills to contemporary market needs.

Women who are seeking employment for the first time and women returners are keen to join the training courses offered by the Employment and Training Corporation as they realise that the rapidly changing business environment calls for appropriate training and re-training. In 1998/99, 47% of all trainees were women, that is, 1,560 women out of a total of 3,314 (Table 11.13).

Women trainees are also encouraged to take up non-traditional trades. For example, a number of women have participated in courses on fire and safety, organised for security personnel.

Substantial interest is shown in ETC programmes by women who want to improve or develop new skills prior to their entry into the labour market, especially office skills and computer skills. Women almost exclusively attended office-work-related courses.

The Employment and Training Corporation has only recently commenced a Part-time Employment Register whereby employers and employees may match up their requests and availability, respectively. This is indeed a breakthrough, particularly for married women who oftentimes retain a strong preference for short working hours.

11.18 Course for the Instruction of Women Returners

The Women Returners Programme was designed for trainers who would later be involved in providing training to women who are about to return to work. The programme promotes specialised understanding of this employment category. The course was developed in conjunction with the Workers' Participation Development Centre of the University of Malta and the Women Returners Network in London.

Today, a similar course for women returners is co-ordinated by the Ministry for Social Policy and organised by the ETC in collaboration with the Office of Co-operatives. Both entities fall under the Ministry for Social Policy.

11.19 Employment Legislation

Maltese employment laws are embodied in the following legislation:

i) The Constitution of Malta.
ii) The European Convention Act, 1987.
iii) Factories (Night Work by Women) (Amendment) Regulation, 1989.
iv) The Employment and Training Services Act, 1990.
v) Occupational Health and Safety (Promotion) Act, 1994, Protection of Maternity at Work Places Regulations, 2000.
vi) Occupational Health and Safety (Authority) Act, 2000.
vii) The Employment and Industrial Relations Act, 2002.
viii) The Estacode
(The Code of Ethics for Employees in the Public Sector).

The Government of Malta is in the process of issuing a White Paper on the Gender Equality Act that aims to introduce new legislation on equal opportunities in employment, non discrimination, sexual harassment, equal pay for work of equal value, and the burden of proof.

11.20 The Constitution of Malta

The Constitution of Malta, the highest law of the land, makes an important policy statement with regard to equal opportunities in employment in its first section where it is stated that:

Malta is a democratic Republic founded on work and on respect for the fundamental rights and freedoms of the individual.

Section 14 lays down that:

The State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.

Chapter II of the Constitution lays down certain principles which are fundamental to the Government of Malta and which the State must apply in making laws.

Special measures may be taken by the Government aimed at accelerating de facto equality between men and women. Thus, according to Section 45(11) in the Constitution, (*vide* Annexe A) the Government of Malta is authorised to undertake positive action measures for women not only in the public sector but also in the private sphere, provided that such measures are reasonably justified in a democratic society.

11.21 The European Convention Act, 1987

The provisions of the European Convention of Human Rights and Fundamental Freedoms and its First Protocol were incorporated into Maltese law by means of Act XIV of 1987.

The European Convention can be enforced in the First Hall of the Civil Court and on appeal being lodged, in the Constitutional Court. On the 30 of April 1987, Malta ratified the right of individual petition and any person can thus apply to the European Commission of Human Rights if he/she feels aggrieved by any decision of the Constitutional Court.

11.22 The Conditions of Employment Regulation Act, 1952 (CERA)

The Employment and Industrial Relations Act, 2002 sets conditions regarding employment relations and industrial relations. Part IV lays down legislative protection against discrimination related to employment such as work of equal value, victimisation and harassment. Part V of the Act provides protection against unfair dismissal including women on maternity leave.

A board designated as the Employment Relations Board shall be appointed in the near future, by the Minister for Social Policy. The functions of the Board shall be to make recommendations to the Minister on any national minimum standard and sectoral conditions of employment.

Until the Employment Relations Board is set up, employment standards are set through Labour Boards and Wages Councils.

The Labour Board is a tripartite advisory body representing trade unions, employees and independent persons. The Wages Councils, which are tripartite bodies, make proposals for the issuing of Wage Regulation Orders, which are published prior to their submission to the Minister responsible for labour. The Minister subsequently issues these proposals by a statutory order. National Standard Orders, on the other hand, are issued by the Minister as statutory regulations on the recommendation of the Labour Board. Examples of such National Standard Orders are the Parity of Wages, N.S.O, 1974 and the Minimum Weekly Wage, N.S.O, 1976.

The need to update Malta's labour and industrial legislation was first addressed in 1992 and a radical review of the Conditions of Employment (Regulations) Act (CERA) was made in the new legislation. The Employment and Industrial Relations Act, 2000 builds on the strengths of the CERA while introducing major innovations in other areas particularly in enhancing equal treatment for women in employment.

The Employment and Industrial Relations Act, 2002 will allow Malta to:

a) implement the EU Acquis on labour legislation;
b) sign and ratify the Revised European Social Charter;
c) ratify the following ILO Conventions:

(i) 183 – Maternity Protection
(ii) 177 – Home Work
(iii) 173 – Protection of Workers' Claim (Employer's Insolvency)
(iv) 171 – Night Work Convention

(v) 158 – Termination of Employment
(vi) 156 – Workers with Family Responsibilities
(vii) 150 – Labour Administration

The new Act allowed for public consultation by the general public discussion and feedback. The Commission for the Advancement of Women, the National Council of Women and the University Committee for Gender Issues had all, amongst others, submitted their recommendations on the new labour law.

11.23 Enforcement and Non-Compliance of the Employment and Industrial Relations Act, 2002 (ERA)

Sections 43 to 47 of ERA, deal with the enforcement and non-compliance of the provisions of the Act. Section 43 states that the Minister has the power to appoint officers of the Department of Industrial and Employment Relations for the purposes of this Act. These officers are then empowered to enter **freely and without previous notice** any premises liable to be inspected under the Act; they can carry out any examination, test or inquiry which they may consider necessary, and they may interrogate alone or in the presence of witnesses, the employer or the employees or ask for the production of any books, registers or other documents.

A person found guilty of contravening the provisions of the Act can be liable for fines ranging from a minimum of 100 liri to a maximum of 1,000 liri as in the case of an employer failing to pay wages or allow paid holidays.

The new legislation, lays down that any person contravening the provisions of the Regulations shall be guilty of an offence and shall be liable on conviction to a fine.

11.24 Industrial Relations

The ERA is the single most important legislative instrument regulating industrial relations in Malta.

The Act regulates five major aspects, namely:

a) the registration of Trade Unions and Employer's Associations;
b) the restrictions on legal liability in actions taken in furtherance of a trade dispute;
c) the voluntary and compulsory settlement of trade disputes;
d) the setting up of the Industrial Tribunal as the mechanism to resolve trade disputes; and
e) the exclusive jurisdiction of the Industrial Tribunal in cases of unfair dismissals.

Revisions to the Industrial Relations Act were proposed for public consultation alongside the proposals for the revision of the Conditions of Employment (Regulation) Act, 1952 that passed through Parliament in 2002 under the Employment and Industrial Relations Act.

11.25 The Industrial Tribunal

The ERA provides for the establishment of an Industrial Tribunal which is competent to decide on all trade disputes referred to it and has, moreover, the

exclusive jurisdiction on all cases of alleged unfair dismissals. An employee or a person acting on his behalf may make a submission in writing, claiming that there has been an unfair dismissal to the Ministry responsible for the Department of Labour who shall in turn refer the case to the Industrial Tribunal. A request to the Minister is to be made not later than 4 months from the effective date of the alleged breach. Female employees can resort to the Industrial Tribunal if they submit claims of unfair dismissal due to sex discrimination.

Since it was envisaged that the proposed new Employment Relations Act would increase the workload of the Tribunal, revisions to the Industrial Tribunal were necessary.

Furthermore, the proposed changes which relate to the Powers of the Tribunal are consequential to the widening of the exclusive jurisdiction of the Tribunal. The changes include the following:

a) In cases of unfair dismissals, there must now be a specific request by the complainant to be reinstated or re-engaged;
b) The tribunal is now being given certain specific parameters in determining the amount of compensation, including the worker's age and skill level that may affect the employability of the individual.

11.26 The Public Service

The recruitment of employees in the Public Service is regulated by the Public Service Commission, set up by the Constitution.

Public Service employees are regulated by Estacode, the major administrative manual of the public service.

11.27 The Ombudsman (*vide* 1.15, 2.9)

The Office of the Ombudsman is an institution set up under the Ombudsman Act, 1995, to investigate complaints on the acts, omissions, decisions and recommendations of all Government bodies, Ministers, Parliamentary Secretaries and public officers, including all Government controlled agencies and local councils whose acts, ommissions or decisions are taken in the exercise of their administrative functions.

The Ombudsman has also the authority to deal with cases of alleged improper discrimination involving Government administration and acts by Government controlled agencies.

Most investigations are undertaken as a result of a complaint received from the party directly affected, but the Ombudsman may commence an investigation independently of complaint. The Ombudsman is independent in the exercise of duties and is not subject to the direction or control of any other person or authority.

11.28 The Employment and Training Services Act, 1990

The Employment and Training Services Act, 1990, set up the Employment and Training Corporation (ETC) **to provide and maintain an employment service, to find suitable employment and to assist employers to find suitable employees.**

Furthermore, it provides **training courses or other schemes for the purpose of assisting persons desiring to fit themselves for gainful occupation, or desiring to improve or update the quality of their knowledge and skills for the same purpose...**

The Corporation has two central Job Centres. The Corporation's job centres service job-seekers, and current job opportunities in the private sector and training information is displayed and is readily available. Customers include persons registering as unemployed, those in between jobs, first time job seekers and returners. A register of those persons seeking part-time employment is kept at the Job Centres.

Public service employers are obliged to seek recruits from the list of unemployed persons who are registered with the Corporation.

ETC assists both public and private sector employers in their efforts to recruit suitable staff. At the same time, the unemployed are helped to move back into employment as quickly as possible, either through direct placement, or following training. Through its contacts with employers training programmes, the ETC actively supports persons with disability to find and retain suitable employment.

The Employment and Training Services Act, 1990, ensures equal opportunities in employment and training.

The Act is now also complemented by the Equal Opportunities Persons with Disability Act, 2000, which seeks to ensure that disabled people are not subject to unfair discrimination when being recruited or when being considered for promotion.

11.29 National Minimum Wage

According to the National Minimum Wage National Standard Order, every full-time employee must be paid a minimum wage as established by the Order. Over and above, the Conditions of Employment (Regulation) Act lays down that every employee is entitled to an end of year bonus, payable in two instalments, and to a special bonus, also payable in two instalments.

Whole-time employees and part-time employees working a minimum of 20 hours per week are also entitled to all customary holidays with full pay.

11.30 Parity of Wages

Maltese women enjoy parity of wages in both the public and private sector. By January 2003 it is envisaged that new legislation will be enacted implementing EU Directive 75/117 on equal pay for work of equal value.

The first step towards the removal of traditional disparities between male and female employees was taken in 1967 when the salaries/wages of female Government employees began to be raised in stages with the object of attaining full parity by 1971. As a result, with effect from 1 April 1967, the salaries of female employees in Government employment were raised by annual increments until they were at par with the salaries/wages of male employees doing the same job. The Parity of Wages National Standard Order, 1974, which came into effect on 2 October 1974, laid

down a scale of increments which led to the attainment of parity of wages in the private sector, with effect from 1 April 1976.

The National Minimum Wage National Standard Order, 1976, which established the minimal national wage, also laid down that in no case should the wage payable to a female employee with respect of equal work, be less than that of males. There is as yet no case law where legal proceedings were instituted by a woman claiming to be earning less than her male counterparts for the same work done in this field. This is mainly attributed to the fact that equal pay for equal work has been an established principle since the 1970's and is fully accepted by Maltese society.

Trade unions, as workers' representatives, and the Department of Industrial and Employment Relations, see to it that the right to equal pay is not merely a dead letter in the law but that it is actually upheld and observed in all sectors.

11.31 Hours of Work

In the public sector, a forty-hour week is observed. The working hours are distributed over a five-day period except in those departments where shifts have to be operated. The hours of work in the public sector are regulated by the Estacode.

In the private sector (including parastatal companies), the standard hours of work are regulated by (a) collective agreements, and (b) by wage regulation orders that set the minimum standards in the various sectors where they apply. Wages councils fix the minimum weekly hours of work appropriate for each industry. In the private sector, the standard weekly hours of work do not exceed 48 hours and the tendency towards a 40-hour week is now fairly established.

11.32 Vacation Leave

All full-time employees are entitled to 4 working weeks and four working days of vacation leave, with pay. Vacation leave entitlements are over and above the statutory annual public holidays.

In addition to paid vacation leave, Wage Regulations Orders entitle employees to sick leave, special leave, (birth of a child, marriage or bereavement), injury leave, and leave for jury service. Legal Notice 61 of 1996 stipulates pro-rata benefits that include leave for birth, bereavement, marriage, injury, sickness, and vacation entitled to part-time workers employed for 20 hours or more per week and whose part-time job is their principal job. Maternity leave is provided for in the Conditions of Employment (Regulation) Act, 1952.

11.33 Maternity

Legal Notice 92/2000 (Protection of Maternity at Work Places Regulations) published under the Health and Safety Promotion Act establishes the right for the increase of one week of unpaid maternity leave in accordance with international commitments. Female pregnant workers are entitled to a total of fourteen weeks of leave receiving a remuneration equivalent to thirteen weeks of basic wage. While aligning our legislation to the acquis communautaire and the Revised European Social Charter it enables Malta's ratification of ILO Convention 183 on Maternity Leave.

The new Act (ERA) lays down the minimum amount of leave to be taken before and after birth. A period of six weeks of the maternity leave shall in all cases be availed of after the date of confinement. Moreover, the employee shall have the right to choose when to avail herself of the remaining eight weeks maternity leave, but in any case such leave is to be taken, in whole or in part, immediately before or immediately after the period of six weeks after the date of confinement.

In the case of a female employee whose confinement does not occur within 8 weeks from the date when the maternity leave commences, she would not have to resume work before the lapse of five weeks after the date of the birth, however, she will only be entitled to payment of wages equivalent to the thirteen weeks of paid leave.

Section 34 subsection (17) to (20) deals with termination of employment in connection with maternity leave. The first rule is that a whole time employee cannot be dismissed by her employer during the period of her maternity leave or during the period of 5 weeks following such leave in which she is incapable of work owing to a pathological condition resulting from the childbirth. Although maternity leave comes to an end 5 weeks after the date of confinement, it is possible for the female employee to be given an extension of another 5 weeks, if it is certified that the pathological condition arising as a consequence of childbirth persists. However, this extra time would be deducted from the sick-leave entitlement, and any further extra time (beyond that) would be at no pay at all. This means that within this period, therefore, the 13 weeks maternity leave, plus the 5 weeks extra time, the employer may not terminate a female employee's employment.

Subsection (20) of Section 34 is of particular importance as it states that when a female employee does not resume work or, if she resigns within six months of resuming work without good or sufficient cause, she is bound to pay the employer a sum equivalent to the wages she received during the maternity leave.

11.34 Protection against Dismissal

The ERA protects married women and pregnant workers against dismissal.

Subsidiary legislation to the Act also contains provisions for leave entitlement on the occasion of the birth of a child, which the parents are entitled to. Thus the father would be entitled to 2 or 3 days paternal leave depending on the Wage Regulation Order governing the profession of the father.

11.35 Occupational Protection of Pregnant Workers

The Work Place (Protection of Maternity) Regulations, under the Occupational Health and Safety (Promotion) Act, 1994, were issued in 1996 to safeguard pregnant workers and women who have given birth, from performing any type of work which many endanger their health and safety or the health of their child. The 1996, regulations were replaced by the Protection of Maternity at Work Places Regulations, 2000, which implement EU Directive 92/85 on Pregnant Workers.

11.36 Sexual Harassment

The Occupational Health and Safety (Authority) Act of 2000 was enacted to replace the Occupational Health and Safety (Promotion) Act, 1994. In the introduction, this

Act states that not only should the workplace be free from health hazards, but also from dangers to the psychological integrity of workers.

Other provisions which regulate harassment but only in the public sector, are found in the Code of Ethics for Public Service Employees.

Protection against harassment and sexual harassment at the workplace is being introduced through Article 29 of the Employment and Industrial Relations Act, 2002. This Article reflects the provisions of Article 7 and 26 of the Revised European Social Charter. Government considers harassment and sexual harassment as important issues in the overall policy aimed at encouraging a higher female participation rate in the labour market while providing adequate protection in a social scenario where the presence of women in decision taking positions needs constant encouragement.

The Industrial Tribunal in the new labour law is also being given the competence to investigate cases of harassment providing a remedy or compensation where applicable. In addition, breach of this Article constitutes an offence and is therefore prosecutable under Article 32 of the Act.

Article 9 of the proposed Gender Equality Legislation complements the proposal relating to sexual harassment at the place of work contained in the ERA. Sexual harassment is defined as:

- subjecting another person to an act of physical intimacy;
- requesting sexual favours from another person;
- subjecting another person to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of any written words, pictures or other material, where the act, words or conduct is unwelcome to the person to whom they are directed and could reasonably be regarded as offensive, humiliating or intimidating to the person to whom they are directed.

The article in this Bill extends this concept to persons responsible for any work place, educational establishment or entity providing vocational training or guidance, and to any establishment at which goods, services or accommodation facilities are offered to the public.

The Bill obliges these persons not to permit another person who has a right to be present in, or uses these services, to suffer sexual harassment at that place.

11.37 Night Work

Night work is regulated by the Factories (Night Work by Women) Regulations 1952 (Government Notice 114/52), and by the Factories (Night Work by Women) (Amendment) Regulation, 1989.

Women cannot do night work in factories **for a period of eleven consecutive hours including the interval between 10pm and 5am of the following day**. However, the amendments to the Factories Regulations, 1989, empower the Director of Labour to issue exemptions in those cases where **the system of production necessitates the employment of women on more than two shifts and has given his approval in writing on night-work subject to such conditions as he may**

deem fit, provided that no women may be required to perform night-work voluntarily.

The Director of Labour made the following conditions for the issue of permits concerning the employment of women on night-shift work.

- No woman shall be required to work at night without her consent in writing.
- A woman who has given her consent in writing for night work is to be exempted from night shifts.

The permit ceases to apply if the employer reduces the number of shifts to two or ceases to operate shift work. The permit is valid for a period of six months subject to renewal at the request of the employer. The Director of Labour has the right to withdraw the permit at any time if it results from investigations that the above conditions are not complied with or that any abuse occurs at the place of work and the employer has failed to take necessary preventive action.

The Protection of Maternity at Work Places Regulations, 2000, moreover prohibit the night work by pregnant women between the eighth and twenty-first week of pregnancy.

The draft Bill and the draft Legal Notices approved by Government and published in the White Paper Employment Relations Act and Industrial Relations Act, 2001 will allow Malta to ratify and follow ILO Convention 171 Night Work.

11.38 Work-Related Benefits

Workers generally are entitled to several work-related benefits in connection with sick leave, old age pensions, injury and disability.

Social security schemes in Malta are divided into contributory, non contributory and hybrid schemes. All gainfully employed persons, both men and women, have to be social security contributors, and they are entitled to the same benefits. Only married women who are not in gainful employment are debarred from paying national insurance contributions.

11.39 Paid Sick-Leave

Wage Regulation Orders provide for a minimum of paid sick leave. The duration of sick-leave varies, but in no case does it amount to less than two working weeks leave with full pay. In most cases this is followed by a period of sick leave at half pay. In the public sector, sick-leave entitlement is 30 days on full pay followed by another 30 days on half-pay. In case of injury whilst on duty, Wage Regulation Orders stipulate a maximum of 12 months leave with full pay.

Wage Regulation Orders are issued by the Minster for Social Policy on the advice of Wages Councils. There are thirty-one Wage Councils, appointed under the ERA which advise the Government on any changes necessary in the wages and conditions of employment of employees in various sectors of industry.

A self-employed person is not entitled to a sickness benefit unless the Director of Social Services is satisfied that the person making the claim for such benefit is

normally self-occupied, and had it not been for that incapacity, he/she would be self-occupied.

11.40 Unemployment Benefits

A person who satisfies the relevant contribution conditions and who has not reached pension age is entitled to an unemployment benefit for any day of employment, excluding Sundays, provided he/she is registered in accordance with the Employment and Training Services Act, 1990.

Where the unemployed person is the head of the household whose total weekly means (taking account of all the members of the household) does not exceed the scale rate for that household, such person shall be entitled to a special unemployment benefit. Moreover, whether such head of household has been in insurable employment or not, he/she is also entitled to social assistance.

11.41 Injury and Invalidity Benefits

Where an employed person suffers personal injury caused by accident arising out of or in the course of his/her employment or self occupation, or has developed certain diseases due to the nature of his/her work, he/she is entitled to an injury benefit.

In the case where the accident or industrial disease arising on the workplace, reults in the personal loss of physical or mental faculty, the person concerned is entitled to an injury grant or an injury pension.

Furthermore, employees are entitled to an invalidity pension or increased invalidity pension or national minimum pension if they are incapable for suitable or regular part-time employment or self-occupation because of a serious and/or permanent disease or bodily or mental impairment (other than any mild mental disorder or disturbance).

11.42 Retirement Pension

The age of retirement is 60 years for female employees and 61 years for males. A person is entitled to a retirement pension, or increased retirement pension or national minimum pension, or increased national minimum pension at one of the rates established in the Social Security Act, 1987, with effect from the date of retirement. However, in the case of female employees, pension is payable from the age of 60. Male employees are entitled to a pension at 61 years.

A person under 65 years of age is disqualified from receiving retirement pension if in gainful employment and earnings exceed the minimum wage. However, a gainfully employed person, who is over 65 years of age, and whose earning exceed the minimum wage, is entitled to a retirement pension.

11.43 Domestic Services

In 1971, the Minister of Labour established a Domestic Service Wages Council. In exercise of the powers conferred by section 8 of the Conditions of Employment (Regulation) Act a Wage Regulation Order was issued through Legal Notice 7 of 1976. These regulations are regularly amended and were last updated in 1993. They classify domestic workers into various groups according to their working hours and

arrangements and then specify a minimum wage and minimum overtime rate for each group. The number of meals to be given as well as minimum daily and weekly rest, vacation leave, sick leave and injury leave are also provided for in this comprehensive piece of legislation.

11.44 Immigration Rights

The Department for Citizenship and Expatriate Affairs is responsible for the administration of the provisions concerning the Immigration Act and Section 44 of the Constitution. In this regard, the role of the Department insofar as migration matters are concerned, is to confirm entitlement to freedom of movement/exempt person status, the issue of employment licences and residence permits. The Department applies an ad hoc policy whereby a foreign fiancé/e, six months prior to marriage to a citizen of Malta is granted an employee licence.

11.44.1 Freedom of Movement and Exempt Person Status

The Constitution defines freedom of movement as the right to move freely throughout Malta, the right to reside in any part of Malta, the right to leave and the right to enter Malta.

A person entitled to freedom of movement, is considered to be an exempt person under the provisions of the Immigration Act, and does not require a permit from the Principal Immigration Officer (Police General Headquarters) to reside in Malta, and may work in Malta without an empoyment licence.

A person is entitled to freedom of movement if:

1) he/she is a citizen of Malta;
2) he/she is born in Malta (of a parent likewise born in Malta if born prior to 21 September 1964) and, having emigrated, ceased to be a citizen of Malta (may also qualify to hold dual citizenship);
3) she is the non-Maltese wife of a citizen of Malta who acquired Maltese citizenship by birth in Malta, or of a person who enjoys freedom of movement as long as she is still living with her Maltese husband;
4) he is the non-Maltese husband of a citizen of Malta, whose marriage took place before 24 April 2001, and have been married for at least five years and is still living with his Maltese wife;
5) he/she is the non-Maltese spouse of a citizen of Malta, whose marriage took place on or after 24 April 2001, and would have been married for at least five years and is still living with Maltese spouse;
6) he/she is the widow/widower of a citizen of Malta who acquired Maltese citizenship by birth in Malta or of a person who enjoys freedom of movement and was still living with husband/wife at the time of his/her death. Moreover, he/she must have been married to that person for at least five years or, but for the death of that person, would have been so married for at least five years;
7) he/she is the non-Maltese son/daughter of a citizen of Malta who acquired Maltese citizenship by birth in Malta, or of a person who

enjoys freedom of movement. In this case, he/she is entitled to freedom of movement until the age of twenty-one.

11.44.2 Confirmation of Entitlement to Freedom of Movement

Confirmation of entitlement to freedom of movement to a person who holds a foreign passport, will be required as indicated below.

An enquiry form is duly filled in and subsequently a letter will be issued. This letter should be presented to the Principal Immigration Officer at the Police General Headquarters in Floriana, so that an endorsement will be entered in the relative passport indicating that the holder thereof is entitled to freedom of movement.

Required documents

A) If applicant is a returned emigrant, the following documents are required:

(1) Birth certificate;
(2) Father's birth certificate;
(3) Parents' marriage certificate;
(4) Certificate of acquisition of the citizenship you now hold (if applicable);
(5) Passport;

As well as:

(6) Documentary evidence relating to the period of emigration.

If applicant is a former female citizen of Malta who is/was married, a copy of the marriage certificate will also be required. Moreover, if the husband is/was a citizen of Malta, his birth certificate, his father's birth certificate and his parents' marriage certificate would be required.

B) If applicant is the non-Maltese spouse of a citizen of Malta, documents required are:

(a) Applicant's marriage certificate;
(b) Birth certificate showing names of parents;
(c) Passport;

Also required are huband's/wife's:

(d) Birth certificate;
(e) Father's birth certificate;
(f) Parents' marriage certificate;
(g) Passport;
(h) Identity card.

If the applicant's spouse is a returned emigrant who holds a non-Maltese passport, the following is required:

(i) The certificate of acquisition of the citizenship he/she now holds, (if applicable),and
(j) Documentary evidence relating to his/her period of emigration.

C) In the case of the son/daughter of a returned emigrant, apart from the documents at (A) above, as applicable, the son's/daughter's birth certificate showing names of parents, and passport would also be required. Moreover, if the enquirer is the father, his marriage certificate would also be required.

In the case of the son/daughter of a citizen of Malta, the following certificates would be required:

The son's/daughter's:

(i) Birth certificate showing names of parents;
(ii) Passport (if applicable);
(iii) Father's/mother's birth certificate;
(iv) Paternal/maternal grandfather's birth certificate;
(v) Paternal/maternal grandparents' marriage certificate;
(vi) Parents' marriage certificate;
(vii) Father's/mother's passport;
(viii) Father's/mother's identity card;

D) If applicant is the widow/widower of a citizen of Malta or of a returned emigrant, the documents at item (B) above are to be presented as the case requires, together with a copy of the death certificate of your late husband/wife.

11.44.3 Exempt Person Status is Enjoyed by:

- A citizen of Malta;
- A returned emigrant who enjoys freedom of movement;
- The non-Maltese spouse of a citizen of Malta or of a returned emigrant;*
- The widow/widower of a citizen of Malta or of a returned emigrant;*
- The non-Maltese son or daughter/stepson or stepdaughter of a citizen of Malta or of a returned emigrant until he/she is twenty-one years old.

* In these cases the exempt person status is enjoyed as long as the spouse is still married to and living with that person or, in the case of a widow/widower, was still living with the Maltese spouse at the time of death.

11.44.4 Confirmation of Entitlement to Exempt Person Status Required Documents are:

If applicant is:

- a returned emigrant who enjoys freedom of movement;
- the non-Maltese spouse of a citizen of Malta or of a returned emigrant;
- the widow/widower of a citizen of Malta or of a returned emigrant;
- the non-Maltese son/daughter of a citizen of Malta or of a returned emigrant.

The applicant may follow the same procedure as for confirmation of entitlement to freedom of movement.

In certain cases, the applicant may be asked to provide additional documents to the ones indicated.

Where births, marriages or deaths occurred in Malta or Gozo, or outside Malta the applicant must produce original certificates.

11.45 Gender Equality Policy

In 1989, in line with the official policy on gender equality, amendments were made to the Estacode (the organisational manual of the public service), in favour of gender equality, equal opportunities in employment and non -discriminatory work practices.

Circulars were issued by the Office of the Prime Minister to Ministers, Parliamentary Secretaries and other Heads in the Public Service in order to promote and ensure equality between the sexes. OPM Circular 119/89 dealing with sex equality was issued in order to draw the attention of those holding key administrative positions in the public sector on the setting up of the national machinery on equality between the sexes. In this circular, the Prime Minister of the time, who also happened to be the Minister responsible for the Civil Service, inter alia recommended that:

i. in the drafting of all legislation and in the implementation of Government policy, women's concerns were to be given all due consideration;

ii. in all public service circulars, neutral language was to be used to eliminate sex stereotypes;

iii. calls for applications for vacant posts had to be open to both sexes, males and females, and different qualifications for women and men were not to be requested;

iv. the right circumstances were to be created to enable female employees to enjoy equality of opportunity in the promotion process and in decision-making.

11.46 Recruitment and Promotions in the Public Sector

On the matter of recruitment and promotion interviews carried out in order to fill up any vacant posts in the public service, OPM Circular 37/90, titled "*Interviewing Boards and Sexual Discrimination*" provides guidelines in the composition of interviewing boards and in setting criteria for selection, training and promotion in employment. These guidelines were aimed at rendering interviews more objective and at ensuring equality of opportunity in employment. The main guidelines recommended that:

i. Interviewing boards should not be made up solely of male individuals. More women should be chosen to sit on these boards.

ii. Applications from women and men should be processed in exactly the same way.

iii. Records and interviews should be kept, where practicable, showing why applicants were or were not appointed.

iv. A person should be assessed according to his or her personal capability to carry out a given job, without discriminating on the basis of sex or marriage.

v. Questions asked during interviews should relate to the requirements of the job. Questions about marriage plans or family intentions should not be asked as they could be construed as showing bias against women.

vi. It should not be assumed that men only or women only will be able to perform certain kinds of work.

vii. In the case of promotion, when general ability and personal qualities are the main requirements for promotion to a post, care should be taken to consider favourably candidates of both sexes with differing career patterns and general experience.

The Staff Development Organisation, the department which organises the training for public officials, has also run a course on interviewing techniques and on equal opportunities, specifically for officials serving on selection boards. The programme covered not only a systematic methodology for the selection and interviewing of candidates, but also a special session dedicated to equal opportunities and the avoidance of sex bias. Public officials were urged to make assessments as objectively as possible; they were also encouraged to be aware of the danger of holding beliefs about sex differences in abilities and physical characteristics, and to resist them at all times.

11.47 Reconciling Work and Family

The Government of Malta is committed to the development of initiatives and support measures to help workers reconcile their work and family responsibilities.

The Public Service leads the way in the implementation of family friendly policies.

Public Service employees are entitled to:

thirteen weeks maternity leave on full pay and one extra week that is unpaid. Maternity leave is also given to casual and part-time employees who work 35 hours a week or more;

special leave is granted with full pay to whole-time employees for marriage (3 working days) and bereavement (2 working days). Two days paternal leave is granted for the birth of a child. Entitlement for special leave to part-time and casual employees is pro-rata, provided they work at least twenty hours a week;

12-month unpaid parental leave entitlement on the birth of a child. Parental leave may be shared (not simultaneously) if both parents are public officers and must be availed of before the child is five years old. A further 3-year career break is granted only once and must be taken up before the child is 5 years of age;

unpaid responsibility leave is granted for the care of dependent, disabled and elderly relatives. This leave is granted for 1 year and may be renewed for further years;

reduced working hours with pro-rata benefits to care for children under 8 years of age. Employees over the age of 50 may avail themselves of a reduced time schedule for medical and humanitarian reasons. Reduced hours may also be taken to care for dependent spouses, parents or children.

Arrangements for employees to work on a reduced time-table is granted for one year and may be renewed for further years.

11.48 Unpaid Leave to Foster Children

In line with the Government's programme of promoting family-friendly policies within the Public Service as of December 1999, public officers may avail themselves of up to one year special unpaid leave in order to foster a child. Additional unpaid leave may be allowed provided that not more than a total of one year special unpaid leave is availed of in every period of four years.

11.49 Adoption Leave

As of 1991, full-time female public officers become entitled to 5 weeks 'adoption leave' on full payment, and a 12-months special unpaid leave to care for adopted children.

Adoptive male parents are entitled to two working days of leave on full pay.

Special consideration is given to those parents who adopt a child from a foreign country. These parents are entitled to an additional three months unpaid leave.

11.50 Child Care

Child care centres in Malta are privately owned and expensive. Traditionally, it is believed that it is the mother's responsibility to nurture her children. Having said this, however, a playschool that was set up at the University of Malta in 1994 and that provides care for children of academic, and administrative staff and students gained instant popularity and has enjoyed such reputation since then.

ARTICLE 12
Equality in Access to Health Care

12.1 National Health Policy

Malta is a signatory to the WHO Health Policy for Europe. The overall social and health care policy aims to provide comprehensive health and social networks centred on the family unit through a partnership with citizens and other agencies. The Government's stated objectives in improving the health status of the population are:

- to ensure equity in health by adopting policies which provide equal access to the health services, improve the status of the population with particular attention to that of the disadvantaged, and to ensure that all people have a fair opportunity to realise their full health potential;
- to add years to life by increasing life expectancy and reducing premature deaths;
- to add health to life by increasing longevity in spite of ill-health, reducing or minimising the adverse effects of illness and disability, promoting healthy lifestyles, physical and social environments and overall, improving the quality of life.

12.2 Primary Health Care: a brief overview

Malta has adopted the WHO Primary Health Care approach as part of the Health Policy of the country. Primary Health Care is provided free of any charge to all citizens. The Primary Health Care Department provides a general practitioner and nursing service through strategically located Health Centres (seven in Malta and one in Gozo). These services are supplemented by local district clinics in towns and villages.

General practitioner services, both GP clinics and house visits, are provided on a 24 hour basis, seven days a week from four Health Centres and from 8am to 5pm on weekdays and 8am to 1pm on Saturdays from the other three Health Centres. The service is for emergencies only from 5pm to 6am from Monday to Friday and from Saturday 1pm to Monday 8am. A treatment room nursing service is provided at the Health Centres concurrent with the GP service.

District clinics open on a fixed time schedule, from Monday to Friday. Attendance imes vary from one to three hours daily, and clinics are open on specific days from two to three times per week. Several clinics open daily.

Besides the general practitioner and nursing services the Health Centres also provide a variety of other medical and health care services in the community, namely Medical Consultant Clinic, Ophthalmic clinic, Gynaecology/Obstetrics and Antenatal Clinics, Physiotherapy Clinic, Podology Clinic, Acupuncture Clinic, Speech Language Pathology clinic (this service is also accessible in several district clinics), Dental Clinic (dental surgeon and dental hygienist). Mental Health Clinic, E.C.G. clinic, Well Baby Clinic, Radiography Services, Blood Investigations service, Diabetes Clinic, Immunisation services.

Excluding the general practitioner service all other clinics are run on a staggered appointment system, which is computerised in all but two health centres.

Pharmacy services are also provided through the health centres and medicines are supplied free of charge to patients on Schedule V for specified chronic disease and lower income groups as determined by a means test.

A free domiciliary nursing service is also provided to housebound, acutely and chronically ill patients and diabetes.

All services are provided fee and are accessible to all Maltese citizens.

A School Health Service provides a monitoring and surveillance programme within mainstream schools with an emphasis on the early detection of disease and physical defects, health promotion and disease prevention. It includes medical review of children at school entry and at eight and twelve years, as well as vision and auditory screening and an immunisation programme for Mumps, Measles, Rubella, Hepatitis B and Tuberculosis.

The School Dental Clinic, located at Floriana health centre, offers free dental treatment to children aged 5 to 15. This includes a specialised paediatric dental clinic, for children with a higher level of dental decay, and the services of a consultant orthodontist.

In 1999, 8.3 per cent of Gross National Product was spent on health care.

In 1999, Infant Mortality Rate (IMR): 7.2per 1000 live births. IMR for males = 8.3; IMR for females = 6.1.

Population access to safe water is greater than 99%.

According to the latest population census carried out in 1995 the percentage of total dwellings supplied with toilets emptying into public main sewers system was 97.7%. The percentage of total dwellings with toilets emptying into a cesspit was 2.3%.

In 2000 the recorded immunisation coverage rates for the following vaccinations were:

Diptheria/Tetanus: 93.77%
Pertussis: 92.04%
Measles/Mumps/Rubella (MMR): 85.52%
Polio: 93.8%
Tuberculosis: the last campaign was carried out in scholastic year 1997/1998 for age group 12-14 years in Church, Independent and State schools. The coverage rate in State Schools was 73 per cent and in Church and Independent schools 94.2 per cent. Presently the BCG vaccination campaign for this scholastic year is underway.

The data provided is not differentiated by locality or sex.

In 1999, life expectancy at birth was 77.3 years. Life expectancy for women was higher at 79.3 years compared with 75.1 years for men.

Proportion of population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk or travel is 100 per cent.

The Disease Surveillance Branch of the Department of Public Health is the national centre, which receives notifications of statutory notifiable communicable diseases in Malta. It is responsible for the ongoing systematic collection, interpretation, analysis and distribution of data and information related to disease under surveillance. It also has the responsibility of investigating outbreaks and providing national expertise on control and prevention of communicable diseases. The Disease Surveillance Branch is equipped with resources for the identification, monitoring and control of communicable disease outbreaks.

Notifications are received from medical practitioners and medical diagnostic laboratories. Medical officers at the Disease Surveillance Branch verify notified cases and investigate them with the collaboration of health inspectors from the Health Protection Unit.

Data collected is used for the issuing of regular reports that are distributed locally and to other communicable disease centres and European working groups.

Food poisoning is one of the most commonly reported conditions. Certain infectious diseases have been become more commonly notified and received particular attention. These include meningococcal disease and Legionnaire's disease.

An outbreak management team deals with outbreaks as they arise, again the most common being food poisoning.

Active surveillance takes place for cases of acute flaccid paralysis. Screening is carried out for particular infections such as hepatitis B and brucellosis. Sentinel surveillance of influenza by general practitioners has recently been carried out.

The Public Health Laboratory provides the technical support to the Department of Public Health.

Ad hoc committees are set up to discuss national responses to outbreaks in other countries, e.g. plague, Ebola, cholera. This includes passenger surveillance, ship and aircraft surveillance, taking any necessary public health action including setting up of contingency plans.

Close monitoring and control of endemic infections such as brucellosis and murine typhus is carried out in liaison with the Veterinary Services Department and Rodent Control Section of the Health Protection Branch respectively.

The Occupational Health Unit of the Department of Public Health serves the function of screening personnel in employment and students attending tertiary education in Malta.

The Chest Unit of the same department screens these, together with refugees and asylum seekers for tuberculosis.

The Health Inspectorate of the Department of Public Health has recently undergone re-structuring in order to improve its functions. The Maltese islands have been divided into six main regions each having a regional office. The duties of each regional office has been divided into two separate sections, one responsible for food control and the other for Environmental Health including other public health matters.

The Food Safety Unit of the Health Inspectorate has the main role of the investigating food poisoning incidences. It is also responsible for maintaining the National Food Premises Register and to assist the Malta Tourism Authority with its programme of re-classification of accommodation establishments.

The Environmental Health Unit of the Health Inspectorate has the main function of sampling and monitoring of bathing water, routine service and swimming pool water. It is also responsible for the investigation of complaints originating from noise and air pollution including indoor air.

The Port Health Services of the Department of Public He 'th has the main responsibility of verification of documentation, inspection, sampling and release of imported and exported food and pharmaceutical products.

At Primary Health Care level the elderly are all entitled to free medical services accessible at health Centres.

Community participation is maximised by liaison with Local Councils and NGOs and involvement of these agencies in the provision of health care services in the community. Local councils are involved in refurbishment/ relocation of districts clinics and NGOs in providing special services to disadvantaged groups in the community, e.g. disabled persons, drug abusers.

The Health Promotion Department, within the Health division, is allocated funds by central government to run campaigns that highlight life-style issues that determine the health status of the nation e.g. smoking, nutrition, sexually transmitted diseases, skin cancer and physical activity amongst others. All campaigns are organised at national level, however there are specific issues which demand a more focused approach, like breast-feeding. The department also runs programmes to assist individuals seeking assistance to stop smoking and to lose weight. Smoking cessation clinics are held in conjunction with the Health Centres. A genitourinary clinic to treat STIs is also up and running.

12.3 Health Services

Today women make up 214 (21%) of the total number of registered doctors on the Principal List of the Registers of the Medical Council Malta – 2000. However only 23 (11.1%) of these women doctors graduated prior to 1980. Today the number is increasing significantly.

In the Medical Department women constitute a dominant 60 per cent of the workforce but occupy only a third of Departments' Nursing Managers and higher grades. The post of Director of Nursing Services is held by a woman.

Table 12.1 shows the distribution of nursing grades occupied by the female nursing workforce.

There is one general acute hospital in Malta and a smaller one in Gozo. Other smaller hospitals offer services ranging from psychiatry to acute geriatric rehabilitation to more institutional care. All these hospitals are publicly funded. Free primary health care is delivered from 7 Health Centres in Malta, distributed on a geographical basis, and another Health Centre in Gozo. These Health Centres offer free professional primary health care including a 24-hour domiciliary general practitioner service, as well as a number of specialised clinics, including obstetrics and gynaecology and well-baby clinics. Immunisation centres are also located in primary Health Care Centres.

Besides the Health Centres, a number of small dispensaries are found in all towns and villages. These are staffed by a nurse and medical officer and are open for a number of hours, two or three times a week. Primary health care is complemented by an efficient and reasonably priced private GP service throughout Malta and Gozo.

There are two private general hospitals that operate on the Island and a number of private clinics.

12.4 Demographic Trends

The population enjoys a high standard of living by European Union standards. There is universal access to free health care at the primary, secondary and tertiary care levels with a highly trained and qualified workforce. Health care is delivered by both public and private sectors. An active and dedicated voluntary sector complements both.

The total resident Maltese and Gozitan population has grown linearly since 1974 and now numbers 380,204 as at 1999, representing an increase of almost 7 per cent from 1990. The population has been almost equally divided between males and females, with the latter maintaining a slightly higher proportion of approximately 1 per cent of the total.

Births constantly outnumber deaths by around 2,500 annually, with the crude birth and death rates gradually declining almost in parallel. Emigration has fallen to very low levels, whilst the number of returned migrants and the number of expatriates and refugees has steadily increased.

The modal number of children per family is two and there is evidence that child bearing is being postponed beyond the first years of marriage.

The mean age of the resident population is rising mainly as a result of the fall in the death rates in the younger age groups. Population projectors suggest that the population of the elderly to the economically productive sector of the population will grow significantly.

The dependency ratio i.e. Ratio of 65+ population to the 0-14 population, was 48.1 in 1999. The likely effect of this demographic rise will be an ever accelerating increase in demand and pressure on the health services, with heavy cost implications.

12.5 Life Expectancy

Life expectancy at birth has been progressing steadily and is today above the European average. The problem is similar for life expectancy at age 15 and at age 45. In 1978 life expectancy stood at 68.08 years for men and 72.08 years for women. In 1999, life expectancy increased to 79.3 years for women and 75.1 years for men. Life expectancy is consistently better for women than for men at all ages.

12.6 Mortality

The crude mortality rate i.e. number of deaths per 1000 population stood at 8.2 in 1999, marginally higher than the 8.06 estimated the previous year. At the same time, the crude infant mortality rate stood at 7.2.

12.7 Fertility

All European countries have experienced a decrease in fertility during the past century although a few are still at the end of their demographic transition. The onset and speed of this process has not been uniform in all countries. In the North, the download trend in fertility started much earlier than in the southern countries. In the case of Malta the crude birth rate i.e. number of births per 1000 population, was 18.5 in 1979. By 1999 it fell to 11.4 and is expected to decline further in the future. In 1999, Malta registered 4308 live births. This number of live births was the lowest in the past fifty years.

12.8 Ante-Natal Care

Free ante-natal, intra-partum and post-partum care is provided to all Maltese women.

Proportion of pregnant women having access to trained personnel during pregnancy (100%) and proportion attended by such personnel for delivery (100%). In 1999 maternal mortality rate = 23.2/100000 Live births (1 dead only).

Ante-natal care is provided by obstetricians and their team of doctors, nurses and midwives at health centres and in the general hospital. It comprises regular follow-up throughout pregnancy with a general examination and monitoring of weight gain, blood pressure, urine, abdominal examination, foetal movement and foetal heart. At least one routine ultra-sound scan is offered to all women at around the twentieth week of pregnancy. Blood tests are taken during the first attended visit. Ante natal classes are co-ordinated by a midwifery team. Nutrition is given top priority in these classes.

The major number of deliveries takes place in hospital under the care of an obstetric team. An operating theatre forms part of the complex and is used both for planned as well as emergency Caesarean sections. On call paediatricians attend delivery if indicated and ensure immediate neonatal management whenever necessary. A state of the art Special Care Baby Unit is available if required. Following a normal uncomplicated delivery, mother and child are kept for two nights in hospital where they receive medical and nursing attention. Breast feeding advice is given by the midwives and nurses. Rubella vaccination is given to unprotected mothers. A follow-up appointment is given to both mother and child at 6 weeks. A comparative service is offered in the private sector.

The Department of Health has a specific programme, established many years ago, through the Department of Obstetrics and Gynaecology, that deals with fertility problems mostly by following conventional methods, chemical ovarian stimulation and artificial insemination using husband sperm. Donor sperm is not used in the public service.

12.9 Births

The crude birth rate, that is number of live births per 1000 person in the mid year population, was 11.4 in 1999.

This rate shows a decline when compared to figures for the previous years. The highest ever-recorded crude birth rate was 39.3 in 1944. By 1980 the figure had already dropped by more than half (17.6) whereas the rate for 1999 shows a further decline (Table 12.5).

In 1998, out of 4,488 live births, 2,180 (48%) were females and 2,308 were males. The rate for still births per 1000 births was 4.0 (Table 12.6).

For 1998, live births by the age of mother and father were most common in the 25 to 29 followed by the 30 to 34 brackets. Live births born to Maltese mothers under the age of 20 totalled 234. This equivalent to 5.2% of all live births born to Maltese women of all ages shown in Table 12.7.

No still births to women under the age of 20 were recorded. There were 18 still births born to mothers of all ages.

12.10 Maternal and Infant Mortality

Between 1991 and 1998 there were 4 maternal deaths.

Infant mortality stood at 5.3 per 1000 live births in 1998. Considering that Maltese statistics include neonates born weighing between 500g and 1000g (which is not the case for other countries), and that abortion is illegal (thus there may be more deliveries of children with birth defects), the rate of infant mortality is very low (Table 12.8).

12.11 Major Causes of Infant Mortality

The major causes of infant and child mortality are linked to birth injuries and difficult labour and congenital malformation (Table 12.9).

12.12 Abortion

Abortion is illegal in Malta under the Criminal Code of 1845. The relative section is 241 which lays down the punishment of imprisionment for a term from 18 months to 3 years for whoever shall cause the miscarriage of any woman with child, whether with or without her consent. The same applies to a woman who procures her own miscarriage. The section was amended only once in 1981, by Act XLIX in order merely to delete "hard labour" from the reference to "imprisionment".

12.13 Top Ten Causes of Death

The 10 most common causes of death using single categories are shown in Table 12.10. These constitute 53.8% of all deaths. Not surprisingly, circulatory diseases rank highest in such a comparison, identifying this category as the 'number one killer'.

If the causes are grouped by gender then the commonest causes for males and females are as shown in Table 12.11 and Table 12.12 respectively. For males these causes constitute 58.0 per cent and for females 56.7 per cent of the total deaths for that sex. The circulatory diseases for females and the ischaemic heart diseases for males rank highest among all the causes of death and show that there is no difference between the sexes for this category.

12.14 Potential Years of Life Lost

From a socio-economic point of view, premature mortality is a highly relevant topic, as it decreases the workforce available and has repercussions on the dependency ratio. Towards this end the 'potential years of life lost below the age of 65' (which is rather an arbitrary cut-off point) is used to quantify the effect of deaths on the labour force. By summing the differences in ages from the cut-off point of 65 years and the age of death of persons below that age, the total sum of years potentially lost from a cause can be determined. Table 12.13 shows the top ten ranking conditions that contribute to the greatest number of potential years of life lost. However causes that occur in the prenatal period or due to congenital defects have been excluded as these inflate figures due to the difference between the cut-off age (65) and their age (usually 0) which results in a maximal possible difference. Myocardial infarcation rank first, again determining the utmost relevance of ischaemic heart disease that should be marked for top priority planning and action. Malignancies especially lung and breast, but also colon, brain and lymphoid leukaemia have an important economic impact on our society as elsewhere in developed countries. Suicides and accidental deaths also contribute to a high loss of potential years of life.

12.15 Death from Drugs

According to international classification codes, deaths from drugs are reported as such and are not included in suicidal deaths. This is due to the extreme difficulty in establishing whether death was by accidental overdose or with suicidal intent. Experience indicates that the majority of drug deaths are in fact accidental, as it is very easy to achieve fatal blood levels. Since drug quality and content vary much, a number of injectors who die may, in fact have injected the usual dose fatally as the drug would be stronger than that usually obtained or even contain more impurities.

In 1998 there were 9 deaths form drug overdose among residents, of which 3 were women. Their age ranged from 18-78 years. Table 12.14 shows deaths from drug overdose.

12.16 Suicides

Suicide is one of the topics that from time to time is being addressed by professionals in various disciplines. This is because of the interest that suicides

always generate. It is therefore imperative that the right conclusions are made as one can give different interpretations and conclusions from the same information. The following points must be made clear:

- suicide poses problems for its identification and at times it may be extremely difficult to decide whether a death was suicidal, homicidal or accidental;
- from the Department of Health Information's perspective, it is the police who are in the best position to decide on most cases, however information is exchanged between the two departments to help reach the most correct conclusion possible;
- suicide carries a stigma so it is only right, where evidence is inconclusive, to state that the death was accidental or undetermined.

The number of suicides increased by two deaths from 13 in 1996 to 15 in 1997. Eleven were men and four were women. The male to female gender ratio was 2.8:1. The age range was 70 years with a minimum age of 17 and a maximum of 87. The median age was 34 years. Unlike many other causes of death, there were no suicides in the 65 to 84 years age group.

These figures are very similar to those of previous years. In fact only minor changes in the frequency of suicides are to be expected from year to year both by linear and logarithmic regression.

The commonest mode of suicidal death is by shotgun wound. This mode is confined to males in 25-34 year age group. The next commonest mode of death is equally distributed between hanging and jumping from a high place. The age group here is wider 15-64/15-94 and these modes include females.

12.17 Contraception

A longitudinal study was carried out in Malta by Robin Milne and Robert Wright from the University of Glasgow. A sample population of 1,011 women was selected in 1971 and 1993.

The study suggests a decline in the fertility rate that was not a result of an increase in contraceptive use, but by a change in contraceptive methods used. While a significant number of couples still use abstinence and rhythm method of contraception, the proportion doing so declined. Modern methods replace traditional methods, with oral contraceptives being the most popular. Sterilisation is a method adopted by a small but significant number.

The study further suggests that in 1971 no cases of abortion were reported compared with just one reported case in 1993.

Various forms of contraception are available and widely used. They are not offered free through the National Health Service. Oral contraceptives are dispensed from pharmacies against a prescription by a medical practitioner. IUCDs may be inserted in public service clinics, however medical officers may object to such insertions on the basis of religious belief. The husband's authorisation is not required.

Vasectomy/tubal legation for contraception purposes are not offered in the public service except in rare circumstances for medical reasons and with the explicit and written consent of both partners.

A booklet on the various forms of contraception, in the Maltese language, was published in 1996 by the Department for Health Promotion.

12.18 Teenage Pregnancies

Although contraception is accessible and often free of charge, it is noted that very young women who are sexually active only seek medical advice when a problem arises.

A publication on reproduction and the menstural cycle was distributed widely in schools.

In 2000, out of a total of 240 deliveries to women aged 19 and under, 64 per cent were registered as illegitimate.

The National Obstetric Information System (NOIS) – WHO-OBSQID Project was launched in Malta at the beginning of 1999. This is a case based national information system that collects data, related to mother-baby, on a standard NOIS sheet, and submitted to the Department of Health Information by all public and private birthing facilities in Malta and Gozo. NOIS includes all mothers (Maltese and Non-Maltese) that have delivered at hospitals or clinics in the Maltese islands.

12.19 Sexuality and Reproduction

In Malta there are several psychosocial facilities related to sexuality and reproduction. Such facilities are offered by the state and by a lay non-governmental organisation known as the Cana Movement.

On a governmental level, information, counselling and continuous support are provided through the education system of the Health Division, and through the Children and Family Services Department.

The Education Division offers:

- a schoolgirl-mothers programme that provides pre and post natal counselling and support;
- a guidance and counselling programme;
- a social work programme.

Sex education, relationships and lifestyles has been provided in Maltese schools as part of catholic religious instruction. Sex education is also given in the Guidance and Counselling service provided to all secondary schools, and to secondary school students opting for science subjects. Additionally, secondary school children attend seminars and talks organised regularly by the Education Division.

A Schoolgirl-Mothers Unit was set up by the Education Division. The service provides for girls who become pregnant during their compulsory school years. The service includes guidance on life-skills, financial matters and budgeting, childcare and delivery. It also encourages the girls to continue with their schooling and assists

them with job securement. During scholastic year 2000-2001, there were thirty five girls aged 18 and under who were attending a programme at the schoolgirl Mothers Unit. Another 15 who had already given birth were attending meetings of a support group. Another 40 girls were receiving counselling from the Unit while still attending school or in the workforce. Nineteen girls were away from school during scholastic year 2000 - 2001 due to pregnancy or childbirth.

The Department of Obstetrics and Gynaecology in the Division of Health provides services that are free of charge and access is universal. Clinics are also held in the Public Health Centres at community level in addition to services in hospitals. The Children and Family Services Department offers support services to women and adolescents, related to sexuality and related problems. Information and assistance is provided by qualified social workers and practitioners, mainly doctors and psychologists.

12.20 State Services

Family planning services are provided within the health public system at:

- ante-natal classes by midwives in the form of information and advice;
- hospital health centre gynaecological clinics, by gynaecologists and obstetricians on an individual basis;
- post-natal family welfare clinics in health centre.

12.21 Services by NGOs

The non-governmental Catholic organisation, Cana Movement, introduced its family planning services in 1956. It works on a national and district level from one central office and a number of district centres. The facilities offered are accessible and free of charge.

The services provided by Cana Movement include the following:

- education and information on human sexuality in the context of marriage preparation offered to all engaged couples. During these courses couples have a session on human sexuality and reproduction and another session on family planning. Other sessions cover relationships, legal advice, teaching of natural family planning, childbirth classes to pregnant women, support to pregnant unmarried women, counselling to persons or couples in difficult relationships and those facing sexual, reproductive problems, or other inter-relationship problems, counselling and support to victims of rape/sexual assault;

12.22 HIV and AIDS

Public awareness on the risks of HIV and AIDS has increased throughout the population, through various health promotion initiatives, school programmes, and the widespread use of the media. Up to October 2000, there were only 3 notified AIDS cases in females and 45 in men. Of these, 2 women and 40 men died. The mode of transmission for women has been heterosexual contact (2 cases) and vertical (mother-to-child) transmission (1 case). Among men, the commonest mode

of transmission was in homosexual/bisexual men (25 cases) and haemophiliac/coagulation disorder (13 cases).

Education programmes on the risk of HIV and AIDS run regularly. Such programmes give specific information as to risk factors involved, modes of transmission, prevention and precautions. Specialised counselling services are available by the Department of Health, NGOs and the Church. Much of health promotion with respect to AIDS is undertaken by women health promotion officers, counsellors and educators, because women make up the majority in the primary health care team. Today, an STD clinic is run by a man.

The Health Promotion Department caters well for information on sexually transmitted diseases, especially AIDS. The Health Promotion Department also supplies speakers and literature for information programmes, especially targeting students and young people.

The Health Promotion Department has organised a nation-wide campaign on the Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS). The Department has published various booklets on the risks of contracting HIV and subsequently AIDS and the necessary precautions that can be taken to prevent the spread of this disease. These are available free of charge to the general public. AIDS awareness has increased. World AIDS day is celebrated each year in Malta.

Students in secondary schools, are informed on sexually transmitted diseases, including AIDS, and on preventive action during the compulsory courses of Personal and Social Education.

12.23 Female Circumcision

Female circumcision is not practised in Malta.

12.24 Commission Against Drug and Alcohol Abuse and other Dependencies

The National Commission on the Abuse of Drugs, Alcohol and other Dependencies is the main policy formulating body that brings together experts and operators from Government Departments, professions and voluntary organisation to discuss policy issues, make recommendations and oversee the quality of services provided in the field of substance abuse.

12.25 Sedqa

Sedqa is a government funded executive agency which has been detailed to:

- Co-ordinate the various initiatives into one directed strategy;
- Develop and manage Government Services in both Prevention and Care;
- Develop proactive information systems that enable Government to make timely and effective interventions;
- Ensure that the sector is supplied with adequately trained human resources.

In the long term, the strategy of the Agency is to upgrade the existing services and introduce new services that meet the needs of all clients. In addition, the Agency

actively collaborates with and supports non governmental organisations working in this sector to prevent the duplication of resources and provide new services.

The agency has three main operating divisions, namely, Prevention Services, Policy and Service Development Division and Care Services which, are supported by two teams: Aministration and Personnel, and Finance.

12.25.1 Preventive and Social Marketing Services

The prevention strategy is aimed at introducing an overall approach towards the prevention of substance abuse. The strategy focuses mainly on high risk individuals namely young people and the emarginated. The National Strategy facilitates the sharing of resources and promotes common programmes among the various key operational players in the sector.

The Prevention Section organises various ongoing activities to enable and empower individuals and organisations operating at the local level to conduct their own prevention programmes. Health promotion and prevention programmes are also being conducted in various health settings especially within schools, at community level and at the workplace.

12.25.2 Care Services

A three year strategic plan for treatment services has been finalised in order to provide a continuum of services to clients suffering from substance abuse and to their families. The main care services are made up of:

- Community based services provided by multidisciplinary teams offering support to persons with a drug or alcohol problem and to their families.
- Out-Patient clinics at St. Luke's Hospital for drug detoxification and for clients suffering from alcohol problems.
- In-Patient Detoxification services at Dar Impenn, where in addition to detoxification, counselling and psychotherapy are offered to clients. Clients may opt to return to community services or join a long term residential rehabilitation programme at Kommunita Santa Marija, Luqa or Caritas San Blas.
- Residential Drug Rehabilitation Programme at Kommunita Santa Marija offers residents an extensive programme based on behavioural modification therapy that empowers clients to live a normal life without the need to use drugs. For clients with an alcohol problem, short term residential rehabilitation programmes are run at Dar Zernieq in Floriana. This centre also offers day programmes for such clients.

These services consist in the Alcohol Community-Based Day Rehabilitation Programme which caters for the social, psychological and emotional needs of clients and co-clients. Participants are offered group and individual support. Group psychotherapy is provided to problem drinkers, their relatives and significant others. Clients also benefit from occupational and social activities and follow-up and aftercare sessions.

A strong emphasis is placed on support counselling together with the role of the partner/spouse and family of the abuser in the rehabilitative process.

Although higher frequency scores are becoming more pronounced for the younger age groups, the age distribution of the day Alcoholic Care Servicing client population is strongly concentrated within adult, middle-aged groupings.

Little epidemiological information is available on the drinking patterns of the Maltese population. The 1992 Primary Care Survey showed that 39% of the adult population drinks alcohol beverages at sometime or another. The highest proportion of 'drinkers' is found in the 15-24 year age group. Many more men (59%) drink alcohol than women (22%).

12.26 Persons with Special Needs

The Government set up the National Commission for Disabled Persons which amalgamated the resource of the public service with those already in existence in the voluntary sector.

The functions of the Commission are: to ensure that the Government's programme regarding disabled persons is implemented; to coordinate the work between the different Government Departments concerned; to identify the needs and requirements of the disabled persons, their families or the respective voluntary bodies; to liaise with all the relevant organisations and, to provide the centralised services that are considered necessary to achieve its aims.

The Commission's projected short term policy includes the assessment of the services of the education and employment sectors for disabled persons so as to take the necessary action to improve these where necessary. The aim of the Commission is to complement and support the work of the voluntary organisations.

Over the years, the Commission has focused on: equal opportunities, the participation of persons with disabilities in decision-making, the prevention of impairment, disability and handicap, rehabilitation, social security and financial income. education and training, employment, recreation, culture, religion, sports, information and education for the general public.

The Equal Opportunities Unit established within the National Commissions for Persons with disability was formally set up in the first quarter of 2000. The Unit is responsible for receiving, investigating, negotiating and seeking legal redress in respect of complaints by persons with disability of alleged acts of discrimination on the basis of their disability.

It is also responsible for carrying out campaigns and provides information about various aspects of the Equal Opportunities (Persons with Disability) Act (Cap. 413). The Unit employs a full time co-ordinator and engages the services of a team of professionals from the medical, architectural, psychological and legal fields when complaints are being investigated.

12.27 The Elderly

A national machinery that caters for the needs of the elderly, was set up in 1987. The national policy is to assist the elderly towards leading an independent life.

This objective is achieved through the provision of:

- domiciliary assistance and other personal and general services to enable the elderly to live as fully independent as possible, in their own homes;
- hostel accommodation and day-care facilities in local centres to assist the elderly to lead an active life in familiar surroundings;
- the best possible conditions for health improvements and rehabilitation in geriatric institutions and the promotion of gerontological studies and education;
- institutional residence for elderly persons who are not able to benefit from the services indicated above.

12.28 Care of the Elderly

The Maltese population is ageing. By 2030 elderly persons (aged 60 years and over) are expected to constitute about 25 per cent of the population, of whom over 42 per cent will be aged 75 years and over.

In the context of healthy ageing this implies developing plans of action which provide favourable conditions and services for elderly people, and for the increasing number of older people of future decades.

Certain trends in the health and functional ability within the elderly population of future decades can be anticipated. On the one hand the health and functional ability of those aged under 75 years will improve and these persons will look for better opportunities to remain active and be involved in various spheres of society; on the other hand the large increase in the number of those aged 80 years and over after the year 2000 will inevitably lead to an increased number of frail and disabled persons who will have difficulties in coping with the tasks of everyday life and will therefore be in need of increased health and personalised social services. Efforts, therefore, have to be focused on maintaining the fitness and autonomy of the elderly for as long as possible.

This presupposes taking measures against preventable conditions in ageing people as well as educating them to pursue healthy lifestyles, for example how to manage stress, and prevent disease, and the need for adequate exercise and nutrition.

Malta was one of the first countries in Europe to take a number of important steps on the road tackling the challenges of an ageing society. In 1987 a Parliamentary Secretary was appointed for the first time, specifically for the Care of the Elderly with the purpose of setting up a Department for the Elderly and building organisational structures and services. This has since been set up.

The challenge was to revolutionise the traditional concept of formal support for the elderly which had until that time consisted in providing institutional health and the payment of financial benefits by the state. The main aim now is to provide psycho-social support and specialised rehabilitative care for the elderly in their own environment thus delaying, if not averting, the need for admission into residential care. The pressure for more community based services to replace the heavy reliance on institutional care represents a call for creativity in service structures.

Some of the services that have been introduced to date for the over 60's cohort and other persons with special needs include: Home Help/Home Care Scheme, Telecare Services, Meals on Wheels, and the Handyman Service.

In order to provide short term rehabilitative care, a special hospital was set up. The Zammit Clapp Hospital for the rehabilitation of the elderly is State funded but managed by an autonomous organisation – the Foundation for Medical Sciences and Services. It provides modern, high quality specialised care facilities for elderly patients to enable them to recover to an extent that will allow them to return to their own homes. The hospital also provides training facilities for doctors, nurses and health care workers in other disciplines to work as a multidisciplinary team in the care of the elderly persons.

For those elderly persons who require residential care, various community homes with all modern conveniences have been set up in various localities to provide residential accommodation for elderly persons coming from the same geographic area so as to enable them to maintain both physical and emotional contact with their own community.

Other major developments have included:

- The setting up of the United Nations International Institute on Ageing to promote international research and on-going training in geriatrics and gerontology in 1988.

- The establishment, of the Institute of Gerontology within the University of Malta in 1989. The Institute runs post-graduate courses in gerontology and geriatrics, and short-term training courses for health workers working with the elderly. It also runs the University of the Third Age which promotes educational, cultural, and recreational activities for the over 60s.

- The setting up of the National Council of the Elderly, a consultative body which advises and promotes the rights of the elderly with a view to enhance their welfare, social integration and overall quality of life in 1992.

- The organisation of the annual award Anzjan tas-Sena (Senior Citizen of the Year Award) in 1993. This award recognises those Maltese senior citizens nominated by the general public who
    - Render voluntary service to those in need,
    - Show initiative and activity which inspires others,
    - Set up or lead some voluntary organisation or promote awareness towards people facing problems.

12.29 Occupational Health and Safety

The Occupational Health and Safety Act was enacted at the end of 2000 and came into force in January 2002. It incorporates a number of provisions of EU Directive 89/391/EEC on the introduction of measures to encourage improvements in health and safety at work. The new Act establishes a new occupational health and safety Authority and further consolidates the existing infrastructural set-up. A new body of subsidiary legislation is expected to be published under the new Act.

12.30 Protection of Maternity

The Work Place (Protection of Maternity) Regulations, 2000 were published on the 11 of April and came into force on the 1st of January 2001. These regulations, which were published under the Occupational Health and Safety (Promotion) Act, 1994 seek to further enhance the protection enjoyed by pregnant women, or by women who have recently given birth or are breasfeeding at the place of work. The regulations moreover increase the amount of maternity leave from thirteen weeks to fourteen weeks at full pay.

When a woman finds out she is pregnant, she must inform her employer of her condition who will in turn make an assessment of any circumstances which could be detrimental to her health and safety.

After conducting the assessment, the employer is bound to inform the pregnant or breastfeeding worker or worker who has just given birth of the nature and degree of any hazard present at the workplace. An employer may never compel the worker concerned to perform duties which would expose her to the risks so assessed.

Whenever a risk to the health and safety of the employee is found to exist, the employer has to do all in his power to remove the risks assessed and this may be done either by adjusting the working conditions or working hours of the employee in question or by assigning the employee to another job which does not expose her to such risks and which is to have the same conditions as her previous job. Should the employer not be able to do the above, the employer is bound to grant the employee an extension of her maternity leave for the whole period necessary to protect her safety or health or that of her child whether born or unborn.

A pregnant worker or a worker who has just given birth or is breastfeeding may continue to perform night work unless such work is detrimental to her health. In this case the employee may submit a medical certificate to the employer stating the same. If the employer's medical officer does not agree with what is stated in the medical certificate submitted by the employee, the matter shall be conclusively decided by the Director of Labour in the sole interests of the health and safety of the employee. In any case, an employee that is pregnant or that has given birth or is breastfeeding will not be required to perform night work between the eight week preceding the expected date of delivery and the twenty-first week after such commencement since in this period it is automatically assumed that such night work would be detrimental to the health of the employee and to her child.

The female employee when availing herself of the provisions on maternity leave or other provisions of the regulations intended for her protection or that of her child enjoys the same guarantees against dismissal from employment as afforded by the Conditions of Employment Regulations Act.

12.31 Ante Natal Examinations

The Occupational Health and Safety (Promotion) Act, 1994, as amended by the Work Place (Protection of Maternity) Regulation, 2000, further lays down that a pregnant worker is entitled time off during working hours to attend to ante-natal examinations without any loss of pay or benefit.

As from the 30th March 2001, pregnant women became entitled to one week special unpaid leave to be utilised immediately preceding or immediately following the thirteen weeks paid maternity leave to which they are entitled. Legal notice 92 of 2000 stipulates that the financial benefit of the total period of this unpaid leave together with maternity leave should be thirteen weeks pay. Government employees may still utilise parental leave as the special unpaid leave following maternity leave. This is in keeping with the Government's Policy for increasing health and safety at the workplace.

12.32 Sexual Harassment at the Work Place

The Occupational Health and Safety (Promotion) Act of 1994 deals with sexual harassment at the work place, and provides that not only should the work place be free from health hazards but also from dangers to the psychological integrity of workers.

Other provisions which regulate harassment, but concerning the public sector only, are found in the Code of Ethics for Public Service Employees. Public officers are bound not to harass **... in work practices, on ground of sex, marital status, pregnancy, sexual preferences ...**

Protection against sexual harassment at the workplace is being introduced through Article 29 in the proposed new labour law Employment Relations Act, 2001. The Industrial Tribunal is also being given the competence to investigate cases of harassment providing a remedy or compensation where applicable. Breach of this Article constitutes an offence against the proposed Act and is therefore prosecutable under Article 32 of the Act.

In addition to this, Article 9 in Bill No. 112 entitled the Equality for Men and Women Act, 2002 complements the proposal relating to sexual harassment at the place of work contained in the Employment and Industrial Relations Act, 2002.

Article 9 in the Bill No. 112 of 2002 extends the concept of sexual harassment to persons responsible for any workplace, educational establishment or entity providing vocational training or guidance, and to any establishment at which goods, services or accommodation facilities are offered to the public.

The Bill obliges these persons not to permit another person who has a right to be present in, or uses these services, to suffer sexual harassment at that place.

12.33 Health Status of Maltese Women: a brief overview

The health of the Maltese population compares favourably, in broad terms, with that of other Western European countries. Traditionally, indicators such as life expectancy and infant mortality rates are used to measure the general health status of a country. These indicators tend to reflect the general socio-economic development of a country, and not merely the effectiveness of the health service.

Life Expectancy is now higher than the European average and it is consistently better for women than men at all ages. Life expectancy at birth in 1999 was 79 years for women and 73 years for men.

Infant Mortality, a basic indicator of a nation's health, stood at 7.2 per 1000 live births in 1999. A consistent drop in the past years has been seen in infant mortality, in line with improvement achieved in other European countries. Considering that Maltese statistics include neonates born weighing between 500g and 1000g as well as those born before 22 weeks of gestation, (which is not the case in other countries), and that abortion is illegal in Malta (thus there may be more deliveries of children born with birth defects), the rate is indeed low.

Perinatal Mortality, which includes still births in the numerator, has also fallen consistently and has reached the European average. In 1999 the perinatal mortality rate was 10.83 per 1000 total births (including still births). For the same reasons mentioned above, the rate can again be considered to be quite low.

Reasons as to the favourable trends in infant and perinatal mortality may in part be due to the fact that all Maltese mothers benefit from a comprehensive programme of prenatal care, shared between the public and private health care sectors, and that around 98% of deliveries take place in hospitals or private clinics under the supervision of professionally trained midwives and specialist obstetricians in high risk cases.

The hospital paediatric service, including a high quality intensive care for neonates, the community paediatric service, and the growing educational level of Maltese mothers in general also contribute to the low infant and perinatal mortality rates.

12.34 Maternal Mortality

For the past 13 years, there have been between 0 to 2 maternal deaths per year. In the period 1991 to 1996 there were only 4 maternal deaths in all. However the rate of maternal mortality stood at 11.2 per 100,000 live births. When 5-year rolling averages are used it appears that maternal mortality was higher than the European average at around 1979-1980, but fell to European Union average levels in the late 1980's.

12.35 Mortality at all Ages

In 1998 there were 3044 deaths of which 1463 (48%) were females and 1581 (52%) were males.

12.36 Premature Mortality

This is the term given to deaths below the age of 65 years. In 1998, there was a total of 585 deaths below the age of 65 years. Of these 209 (36%) were women and 376 (64%) were males. Besides the important socio-economic impact in terms of productive years of life lost, premature mortality is also an important indicator of significant disease in the population and of areas where preventive measures would yield the most benefit for the individual and the community. Among women, the greatest number of premature years of life lost are from breast cancer and ischaemic heart disease. In males, the greatest number of premature years of life lost are from ischaemic heart disease, lung cancer and accidents.

12.37 Circulatory Disease

Circulatory diseases, which include ischaemic heart disease and stroke are the leading cause of death of both women and men. In 1998 there were 1333 deaths from circulatory diseases of which 675 were in females and 658 were in males. This constituted 44% of all deaths in the two sexes. The major risk factors for circulatory diseases are smoking, raised blood pressure, raised serum cholesterol diabetes, obesity and inadequate physical activity.

12.38 Ishaemic Heart Disease

In 1998, there were 682 deaths from ischaemic heart disease. Of these 338 (50%) occurred in females and 334 (50%) occurred in males. The large difference in premature deaths between the two genders which has been mentioned above is in the main due to the higher risk in men for ischaemic heart disease at a younger age. Thus in the age group of 45-54, the mortality rate from myocardial infraction in males is about four to five times that in females. As age increases, this difference in risk decreases progressively. In general, women are protected against myocardial infraction throughout their reproductive life.

In 1994, 405 (5%) of all admissions to acute medical wards were for heart attack. Of these 272 were male (6.7% of male admissions) and 133 were female (3.6% of female admissions). Of these, 162 male cases and 29 female cases occurred under the age of 65 years. One female case and 27 of the male cases occurred under the age of 45. These figures illustrate the gender differences for this disease.

12.39 Stroke

In 1998 there were 322 deaths from stroke. Of these 155 (48%) occurred in females and 167 (53%) occurred in males. In 1994 these comprised 4 per cent of all admissions to acute medical wards. There were 133 cases in males (3.3% of all male admissions) and 183 in females (4.9% of all female admissions). Forty-two male and 34 female cases occurred below the age of 65, of which 2 men and 4 women were aged below 45. These figures show that there does not seem to be any appreciable difference between the sexes in stroke incidence.

12.40 Cancers

In 1997, there were 1229 new cases of cancer in the Maltese population. Of these, 609 occurred in males while 260 occurred in females. For both men and women, incidence and mortality from cancer both rise with age. The age–related increase in cancer incidence starts earlier in females as a result of cancers arising from the breast and female genital organs, which affect younger age groups than lung and bladder cancers, the latter cancers being commoner in men. Because of the tendency for cancer of the breast and female genital organs to affect women at a relatively younger age, cancer is a more common occurrence in young women than in young men.

The commonest new cancer sites in women in the period 1993 – 1997, were breast (29%), non-melanotic skin (12%) and colorectum (10%). In the corresponding period the commoner cancer sites for men were lung (15%), colorectum, prostate, and bladder (9% each).

In 1997, 683 Maltese people died of cancer. Of these 388 were males and 295 were females. Most deaths occurred between 65 and 79 years of age. In women the commonest killers were cancer of the breast (24%), the colon (9%), and the pancreas (8%). In males the commonest killers were lung (26%), stomach (8%), and colon (8%).

In 1999, the overall incidence of cancer in Malta was lower than the European Union average for men and just abut equal to the European Union average for women. Incidence rates in the different countries are more or less affected by the pattern of incidence of the most common cancers diagnosed.

The general survival rates form cancers for females are better than that for males. This is because of the prognosis of the more common types of cancer in the two sexes. Lung cancer, which is the commoner cancer in males, has a relatively bad prognosis when compared to prognosis of breast cancer, which is the commonest type of cancer in females. Survival rates from all cancers in both women and men compare well with survival rates in other European countries.

12.41 Breast Cancer

Breast cancer is the most commonly diagnosed type of cancer in Maltese women. In the period between 1993 and 1997, it accounted for about 30% of both newly diagnosed cases of cancer as well as deaths from cancer in women. On average about 184 new cases and 90 deaths are attributed to this cancer each year.

Breast cancer is predominantly female cancer although occasionally cases do occur in men at a ratio of 84:1. The lifetime risk for a woman to acquire breast cancer by the age of 74 years is 1 in 13, whilst her risk of dying from breast cancer by the same age is 1 in 31.

Incidence rates increase with age from around age 30 onwards.

Incidence in Maltese women is slightly higher than the EU average and approaches the rate of the northern countries which have higher rates for this cancer than southern countries (Malta being an exception) which have the lowest rates for this cancer. The relative importance of genetic, nutritional, social, and environmental factors for these differences remain to be established through local and international epidemiological studies. More positively, survival rates compare well with other European countries.

12.42 Cervical Cancer

Cervical cancer accounts for about 2% of all new cases of cancer as well as deaths from cancer in women. Between 1993 and 1997 there have been about 15 new cases of cancer of the cervix in women. Incidence rates increase with age form 20 years onwards reaching a peak earlier than most other cancers in the 50-59 year age group, then decrease slightly with advancing age. The lifetime risk for a woman to acquire cervical cancer by the age of 74 years is 1 in 160, and her lifetime risk to die from cervical cancer by the age of 74 years is 1 in 425.

Cervical cancer is now considered as a sexually transmitted disease, closely associated with the sexually transmitted human papilloma virus infection. Risk therefore increases with early onset of sexual activity and multiple partners.

Previously in Malta, cervical cancer was a disease of very old women and up to a few years ago, incidence and mortality were the lowest in Europe. Now the pattern is fast changing and cervical cancer is becoming a disease of much younger women. It now ranks as the third lowest in Europe with survival rates comparing well with other European countries. These changing patterns reflect the fast changing socio-cultural norms in Malta.

12.43 Uterine Cancer (Cancer of the Body of the Uterus)

In the period 1993-1997 there were about 43 new cases of cancer of the body of the uterus each year. This cancer accounts for about 7% of all cancers diagnosed in women. The lifetime risk for a woman to acquire cancer before the age of 74 years is 1 in 45 whilst her risk of dying from this cancer before the age of 74 years is 1 in 180. Incidence rates increase with age and risk factors for this cancer are those associated with a high oestrogen hormone level, as is the case for breast cancer. This cancer is in fact most commonly diagnosed in post-menopausal women.

Incidence is the second highest in Europe, second to Italy which tops the list. This cancer however has a relatively good prognosis and survival rates are good and compare well with those of other European countries.

12.44 Cancer of the Ovary

There are about 32 new cases of cancer of the ovary diagnosed each year, accounting for about 5 per cent of all cases of cancer diagnosed in women. Causes of this cancer are poorly understood. Detection often occurs at a late stage with widespread disease and therefore the prognosis is poor. Incidence rates increase with age and begin in childhood. Incidence of ovarian cancer in Malta is the fifth highest amongst European Union member states. Survival rates though low compare favourably with those of other European countries. The lifetime risk for a woman to acquire cancer of the ovary before the age of 74 is 1 in 72 whilst her risk of dying from this cancer by the age of 74 years is 1 in 104.

12.45 Diseases of the Reproductive Organs

By virtue of their reproductive organs, women experience several normal physiological changes throughout their lifetime as well as pathological conditions which are therefore specific to women.

The cyclical episodes of menstruation are accompanied in some women with above average low abdominal pain, or excessive bleeding, both in terms of the quantity passed, as well as of the duration. Women who bleed excessively and who have an imbalanced diet may over the years suffer from iron deficeincy anaemia which would need treatment.

The onset of menopause varies as well as the severity and quality of symptoms experienced. Some women will need hormone replacement therapy whilst others may do without.

Pregnancy comes naturally to some, whilst about 1 in 10 partners will experience infertility problems. The cause of infertility is not only due to problems from the woman's side but a number of times, the cause resides in the male partner. Some women sail through pregnancy and child birth without experiencing any undue

problems, whilst others experience a variety of symptoms – morning, day and night sickness, back pains, ankle swelling and raised blood pressure which may necessitate hospitalisation. Although a number of women do not experience any physical after-effects of pregnancy, some women will end with Ceasarian scars, others with prolapsed haemorrhoids, whilst others may, years later develop cystocoeles, rectocoeles, and various degrees of prolapsed uterus. Of course these latter conditions are not exclusive to women who have born children. They may also result naturally as a result of ageing.

The reproductive tract can become infected resulting in pelivc inflammatory disease, whilst it also serves as a portal of entry for sexually transmitted disease, including herpetic infections, chlamydial infections, gonorrhoea and syphilis (extremely rare), papilloma virus infection which may progress to cervical cancer, hepatitis B and AIDS. Since 1986 there have been 3 case of AIDS notified in women and 45 in men. Of these 2 women and 40 men have died. It is estimated that there are at least 1000 HIV infected individuals in Maltese residents The mode of transmission for women has been heterosexual contact (2 cases) and mother-to-child transmission (1 case). Among men the commonest mode of transmission has been through homosexual or bisexual activity (25 cases) and haemphiliacs/coagulation disorder (13 cases). The latter mode of transmission accounted for the first case of AIDS in Malta.

Sexual dysfunction can also be a problem. Besides organic disease, or as a result of local changes due to menopause which can be corrected, this can be due to a number of emotional or psychological problems. Women may also suffer specific bouts of depression related to their reproductive life pattern. These are variable, both in frequency and severity. They include pre-menstrual tension, post-partum blues, depression and rarely psychosis, and post-menopausal depression.

Benign and malignant tumours may also form along any part of the reproductive tract.

12.46 Depression

Depression on the whole is alleged to be common among women. In a Primary Care Survey carried out in Malta in 1992, 5.2 per cent of males aged 15 and over, and 10.3 per cent of women, aged 15 and over, reported taking tranquillisers.

The prevalence of depression among women may in part be due to the hormonal changes they experience in their lifetime, and also due to the undue pressure and strains which society imposes upon them. An example in point are the many young working mothers who are trying to achieve a balance between their family and work responsibilities. These women are increasingly the focus of contradictory influences of their gender culture. On the one hand their domestic role is emphasised, and they are expected to remain at home with their families, but on the other hand they are expected at the same time to follow careers, and to contribute to the wider economy. These role conflicts have greatly increased the stresses in the lives of many modern women.

12.47 Osteoporosis

Osteoporosis is found most commonly in post-menopausal elderly women. This is in effect a reduction in bone mass which occurs as a natural process of ageing but is

more marked in women especially after the menopause. Inadequate physical activity worsens the condition.

This may result in spontaneous fractures or fractures after minimal injury. Typically there is a history of a fall with a fracture of the neck of the femur. Other fracture sites are the lumbar and thoracic vertebrae, the upper end of the humerus and the lower end of the radius. More persistent backache is a later feature and is due to the collapse of several vertebrae resulting in loss of stature and kyphosis.

Osteoporosis can be prevented if an adequate intake of calcium, mainly in the form of cow's milk has been consumed throughout life. Vitamin D, which in Malta, is derived from sunlight is another factor. In post-menopausal women hormone replacement therapy can be prescribed according to the benefit ratio to be expected.

Obesity is a national health problem. Only one-third of the adult Maltese population has a desirable body weight. The rest are either overweight or obese, with the proportion of women in these categories being grater than men. This picture is also reflected in pregnant women. A study in 1985 showed that 42 per cent of pregnant women were overweight and 14 per cent were obese. Pregnant women who are obese are more likely to have complications than women of desirable weight. With increasing age, there is a corresponding increase in the proportion of those overweight and obese. This increase is however more evident in women.

12.48 Diabetes

In 1987, the National Diabetes Survey revealed that 10 per cent of the population aged 34 years and over had Diabetes, whilst another 13 per cent had impaired glucose tolerance. With increasing age, both diabetes and impaired glucose tolerance become commoner, but the increase is more marked in women. Studies have shown that about 1 per cent of women develop diabetes in pregnancy and about 14 per cent of women show signs of impaired glucose tolerance in the mid-trimester. This means that a substantial proportion of these women have a demonstrably higher risk of developing diabetes in the future. Maltese women who become diabetic in pregnancy are generally older, heavier than normal and have had more than one pregnancy. Diabetes during pregnancy may seriously effect the child's development and physiology. If serious enough it may also lead to death. Also, infants of diabetic mothers are twice as likely to have congenital malformations.

12.49 Gender Management System in the Health Sector

In June 2001, Malta was invited to participate in the eighth regional Gender Management System Workshop held by the Commonwealth Secretariat in collaboration with the Commonwealth Medical Association to develop an action plan for Malta. In developing this plan, the delegates aimed to integrate the programme for health into the national gender mainstreaming strategy which is being developed by the national machinery for women within the whole public service.

A Gender Management System in the Health Sector was launched in October 2001. This is a first in Malta and its vision, mission, goal and objectives are as follows:

Vision

A health sector offering sustainable and gender sensitive services in which both males and females participate and are valued as equal partners.

Mission

To ensure:

- Accessible quality health care and related services that meet the needs and priorities of women and men;
- Equal opportunities for full participation of women as decision-makers;
- That particular views and perspectives of women and men contribute to the development and enhancement of the health sector.

Goal

To integrate gender in the health sector through policies, programmes, initiatives and regular systematic monitoring.

Objectives

- To ensure that the gender perspective is incorporated in all health policies;
- To strengthen the linkages within the health sector and with the national women's machinery, NGOs and other relative stake holders in order to influence health outcomes;
- To maximise the full potential of women in the health sector especially at senior levels;
- To build capacity to promote gender awareness at all levels of the health Sector;
- To ensure that all initiatives and opportunities regarding training (especially for career progression) take into account the gender perspective;
- To integrate gender in all current and future Health Promotion campaigns, programmes and initiatives;
- To ensure gender sensitivity in the formulation of the Patients' Charter.

ARTICLE 13
Social and Economic Benefits

13.1 Social Benefits

Social benefits in Malta are regulated by the Social Security Act, 1987 (Ch 318) which establishes a national social security scheme. This Act is implemented by the Department of Social Security which provides financial support to those sectors of the community in need of a decent standard of living. Men and women benefit equally from social security schemes.

Married women may receive Social Security benefits in their own name.

The Social Security Act was amended in 1991 to repeal Section 17(3)(c) which read **any contributions paid by a woman before the date of her marriage shall not be taken into account on any claim for such benefits made subsequently to that date**. This provision was discriminatory as female employees had to start contributing to the national insurance scheme afresh upon contracting marriage.

The Act was again amended in 1996 to change the definition of "the head of household". Whereas previously the law recognised the husband as the 'sole head of the household', the new provisions define the head of the household as **such person, as in the opinion of the Director of Social Security, is the head of the household** (Section 2).

The social security schemes in Malta are divided into contributory, non contributory and hybrid schemes.

13.2 Contributory Schemes

There are two classes of contributions: the Class One contributions payable in respect of employed persons and the Class Two contributions paid by self-employed persons. Every person over 16 years of age and who has not yet retired, is insured either as an employed person, a self-employed or a self-occupied person. Only married women who are not gainfully employed are exempt from contributing to the national insurance scheme.

Benefits enjoyed through the contributory schemes are the following:

Short-term benefits:- unemployment benefits, special unemployment benefit, sickness benefit and injury benefit.

Long-term benefits:- retirement pensions, two-thirds pension, widows' pension, invalidity pension, survivors' pension, widowers' pension, orphans' supplementary allowance and parent's pension.

Lump sum payments:- marriage grant, re-marriage grant, disablement gratuity.

Women are equally entitled to these benefits as men provided they would have paid the required amount of social security contributions.

Thus a married woman not abandoned by her husband and not earning any income of her own through employment, self employment or self-occupation may not pay

social security contributions in her own name and may therefore not benefit from the social security benefits falling under the contributory scheme. The only exceptions to this relates to the widow's and survivors' pension the latter being an earnings-related pension payable to any widow whose husband was entitled to a two-thirds pension or whose husband would have been entitled to a pension had he reached retiring age at the time of his death.

Amendments to the Social Security Act, 1987 are expected to be brought about by the end of 2002 whereby the position of married women will be brought at par with that of married men in line with EU Directives 1408/71 and 574/72 of the European Union.

All benefits, pensions and allowances payable under the contributory scheme as provided for under the Social Security Act 1987, are subject to contributions being paid.

13.2.1 Unemployment Benefits

A person who satisfies the relevant contribution conditions and who has not reached pension age, is entitled to unemployment benefits for any day of unemployment, excluding Sundays, provided he/she is registered unemployed in accordance with the Employment and Training Services Act, 1990.

Where the unemployed person is the head of the household whose total weekly means (taking account of all the members of the household) does not exceed the scale rate for that household established in Part 1 of the Sixth Schedule to the Act, such person is entitled to a special unemployment benefit. Moreover, whether such head of household has been in insurable employment or not, he/she may also be entitled to means tested social assistance. Where the head of household is a woman who cannot take up gainful occupation because of childcare, she will be entitled to social assistance.

13.2.2 Sickness Benefits

An employed person who satisfies the relevant national insurance contribution conditions, is entitled to a sickness benefit for any day of incapacity for work. However, the number of consecutive days in respect of which sickness benefit is paid cannot exceed 6 days, and is not payable on the first three days of each spell of incapacity for work due to sickness.

A self-employed person is not entitled to a sickness benefit unless the Director of Social Security is satisfied that the person making the claim for such benefit is normally self-occupied, and had it not been for that incapacity he/she would be self-occupied.

13.2.3 Injury Benefits

Where an employed person suffers personal injury caused by accident arising out of or in the course of his/her employment or self occupation, or has developed

certain diseases, as specified in the Act, due to the nature of his/her work, he/she is entitled to an injury benefit.

In the case where the accident or industrial disease arising at the workplace results in the permanent loss of physical or mental faculty of not less than 1 per cent, the person concerned is entitled to an injury grant or an injury pension.

Provided that a person shall not be entitled to an injury grant or injury pension and an injury benefit at the same time.

13.2.4 Invalidity Pension

Employees are entitled to an invalidity pension or increased invalidity pension or national minimum pension, if they are incapable for suitable full-time or regular part-time employment or self-occupation because of a serious and/or perennial disease or bodily or mental impairment. The claimant must have been continuously in full-time employment or part-time employment or part-time occupation for a period of not less than twelve months.

13.2.5 Retirement Pension

A distinction is made in the Social Security Act, 1987, between the pensionable age or retirement age of a man as compared to that of a woman. Pensionable age for men is sixty one and sixty for women.

A person is entitled to a Retirement Pension, or Increased Retirement Pension or National Minimum Pension, or Increased National Minimum Pension at one of the rates established in the Social Security Act, 1987, with effect from the date of retirement, provided all contribution conditions are satisfied and a claim is made within six months of retirement. If the claim is made later it will only be effective from such later date.

A person under 65 years of age is not entitled to retirement pension if she/he is in gainful employment and earnings exceed the minimum wage. However, a person over 65 years of age, in gainful employment, and whose earning exceed the minimum wage, is still entitled to a retirement pension.

13.2.6 Two-Thirds Pension

A person qualifies for a two-thirds pension if he or she has been an employed or self-occupied person for not less than ten years and has retired on or after the 16th January 1979. Moreover the proper rate of contribution must have been paid any time after the 21st January 1979.

An employed or self-employed person shall be entitled to the full rate of the two-thirds pensions, a provision amounting to two-thirds of his income, if he/she has paid a provision amounting to fifty contributions over a period of thirty years.

13.2.7 Widows Pension

With regards to pensions in respect of widowhood, a widow whose husband has satisfied the relevant contribution conditions under the Social Security Act, 1987, on the date of his death, is entitled to a Widows Pension or to a Survivor's Pension or to a Widow's Benefit. This latter is a benefit granted to a widow whose husband died as a result of a personal injury caused by an accident arising out of or in the course of his employment or self-occupation or as a result of industrial disease.

The widow is entitled to such pension independently of whether she is employed or unemployed. However, a widow who is gainfully employed is only entitled to any of those pensions provided she does not earn more than the minimum wage or if she has attained the age of 65 years.

The pension rate is increased if the widow has the care of persons under sixteen years.

When a widow has the custody or care of children who are still under 16 years, she can participate in gainful employment provided that any income earned above the national minimum wage per week is deducted from the entitlement of widows' pension.

If a widow re-marries, she shall, upon such remarriage, immediately cease to be entitled to such pension. She will receive instead a once only lump sum by way of a Remarriage Grant equivalent to 52 times the weekly rate of Widows Pension. If the widow was in receipt of a survivor's pension, she will be entitled to 52 times the weekly rate of widow's pension that would otherwise have been payable to her before such remarriage.

Furthermore, the law lays down that the above also applies, *mutatis mutandis,* in the case of a widower who immediately before his wife's death, relied on her financial resources for his livelihood or who, although immediately prior to her death he did not rely on her financial resources for his livelihood, as a result of her death gives up temporarily or permanently any gainful occupation he might have had immediately prior to her death in order to take care of his dependent sons or daughters that form part of his household.

13.2.8 Survivor's Pension

Earnings-related pension payable to a widow whose husband was entitled to a Two-Thirds' pension or whose husband would have been entitled to a pension had he reached retiring age at the time of his death.

13.2.9 Orphan's Allowance

Any person who has the care of a child under 16 years of age and is of another person, shall if both the child's parents are dead, be entitled to an orphan's allowance, provided at least one of the parents paid social security contributions.

13.2.10 Orphan's Supplementary Allowance

This Allowance is payable to any person who has the care of a son or daughter of parents who are dead and at least one of whom paid the relevant contributions. A person will be entitled to an orphan's supplementary allowance if the child is aged between 16 years and 21 years and who is not in gainful employment or is employed but earning less than the National Minimum Wage.

13.2.11 Parents' Pension

Payable to a parent of an employed person, who died as a result of industrial disease or accident at work and whom, prior to death of son or daughter, depended solely on their financial resources for livelihood.

13.2.12 Marriage Grant

A marriage grant is given, on marriage, to a person, woman or man, who has been an employed person or self-employed for at least six months at any time before the marriage. The marriage grant consists of a one time payment. This benefit is not automatically granted, and an application to that effect has to be submitted.

A person who legally contracts marriage more than once, is entitled to a marriage grant in respect of each marriage on condition that between one marriage and another he/she was an employed person or a self-employed person for at least six months.

13.2.13 Remarriage Grant

Payable to a widow who remarries and hence forfeits her right to a widow's pension payment equivalent to one year's pension.

13.2.14 Disablement Gratuity

Payable to a person following injury at work and where the degree of disability is estimated as being between 1 per cent and 19 per cent.

13.3 Non-Contributory Scheme

The non-contributory scheme covers:

i. Pensions for old age, for the blind, for mentally and physically handicapped persons and for carers.
ii. Social assistance for the unemployed and persons incapable of working, emergency assistance for destitute females, and assistance for single females or widows taking care of elderly or disabled relatives on full time basis.
iii. Medical assistance for the sick, assistance for leprosy, and tuberculosis, free medical and prosthetic aid, and a milk grant for a child under 40 weeks of age who requires weaning or who cannot be breast-fed for health reasons.

All non-contributory benefits are paid provided that a financial means test on the whole of the household is carried out and proves that the income of the household falls below a

certain minimum. The exception to this is the leprosy and tuberculosis assistance since no means test is applied here.

13.3.1 National Minimum Pension

A person who is not entitled to a service pension is entitled to a national minimum pension. In the case of a married man who is maintaining his wife, this could amount to four-fifths of the national minimum wage. In the case of any other person, this premium would amount to two-thirds of the national minimum wage.

13.3.2 Age Pension

A person who has attained the age of 60, is a citizen of Malta and normally resides in Malta and whose weekly means do not exceed the highest rate of age pension according to his/her category, is entitled to an age pension.

13.3.3 Disability Pension and Pension for the Visually Impaired

A severely disabled or blind person, over the age of 16, whose weekly income does not exceed the amount laid down by the Social Security Act, 1987 is entitled to a disability pension. He/she must moreover be certified to be suffering from a mental severe subnormality or to be severely disabled or is suffering from cerebral palsy and is a citizen of Malta.

Furthermore, a visually impaired person who is at least fourteen years of age and is certified to be visually impaired is entitled to a pension for the visually impaired. The person concerned must be a citizen of Malta residing in Malta and whose earnings do not exceed the national minimum wage.

13.3.4 Carer's Pension

Granted to citizens of Malta who are taking care, by themselves on a full-time basis, of a parent, brother, sister, grandparent, uncle, aunt, father or mother-in-law, brother or sister-in-law who due to infirmity are bedridden or confined to a wheel chair. Moreover, such relative/s have to be living in the same household as that of the carer and his/her yearly income must not exceed 60 per cent of the national minimum wage.

13.3.5 Emergency Assistance

Granted to a female who is or has been rendered destitute by the head of household to the extent that she becomes an inmate of an institute for the care and welfare of such persons.

13.3.6 Sickness Assistance

Payable to persons suffering from a chronic disease or condition that requires a special diet.

13.3.7 Tuberculosis Assistance

Payable to a head of household or any member of the household suffering from or has within the last 5 years suffered from tuberculosis. This is not subject to a means test.

13.3.8 Leprosy Assistance

Payable to head of household or any member of the household who is receiving treatment for leprosy.

13.3.9 Unemployment and Social Assistance

A person who is head of household and who is incapable of employment because of a serious disease or bodily or mental impairment, is entitled to receive social assistance.

Where the head of household is a woman who is unable to take up gainful employment due to family responsibilities, she is entitled to social assistance. The same applies if a male/female is declared by the Employment and Training Corporation to be unemployable.

Where in any household there is a woman who is single or widowed and who is also unemployed, whether registered as such or not and takes care, all by herself, on a part-time basis and regularly, of a relative suffering from mental severe subnormality, or a severally handicapped relative, or a relative who is over 60 years of age and is unable to take care of herself/himself, is also entitled to social assistance.

13.3.10 Medical Assistance

Heads of household with a low income are entitled to free medical aid on account of bodily or mental impairment, sickness or disease which does not require treatment in hospital. Such assistance is granted to the head of household independently of whether it is him or a member of his family who is suffering from the disease.

13.3.11 Maternity Benefit

Unemployed women who are pregnant and have entered the eighth month of pregnancy are entitled to maternity benefit. This benefit is payable to local residing pregnant citizens who are not entitled to maternity benefits under the Conditions of Employment (Regulation) Act, 1952. It is payable in respect of the last eight weeks of pregnancy and the first few weeks after childbirth.

13.4 Hybrid Schemes

With regards to hybrid schemes, the family benefits which fall within this category are: children's allowance, disabled child allowance, and family bonus.

13.4.1 Children's Allowance

The Social Security Act, 1987 entitles locally residing female citizens of Malta to a Children's Allowance for the care of children under 16 years of age and where the household income does not exceed a stipulated amount (presently LM 10,270). The allowance will continue to be paid for children between the age of 16 and 21 still attending full-time education and who receive no remuneration. It is also paid when child is registering for his/her first employment under part 1 of the Register of Employment.

The actual beneficiary of the allowance is the mother, unless the father proves that it is in the interest of the child that such payment is to be made to him. There is an extra allowance for children with disability.

Children's allowances are also paid out to single parents entrusted with the custody of their own children.

13.4.2 Allowance for Children with Disability

Payable to locally residing female citizens of Malta who have the care of a child suffering from cerebral palsy or severe mental subnormality or is severely handicapped or have a child under 14 years of age who is blind. If the two parents are gainfully occupied, only the highest income will be considered as long as this does not exceed LM 13,270 per annum.

13.5 Lone Parent Families

A steadily increasing number of families with dependent children under 16 years of age, are single-parent families, by reason of death, separation, divorce, or births outside of marriage. According to the 1995 Census, the number of such families stood at 7,462.

There are almost four times as many lone parent women (5,914) as men (1548). The majority of lone parent families (70%) do not have children under 18 years of age. Quite a few lone parent families have one (16.8%), two (8.8%), three or more (4.2%) dependent children. Of all of lone parents, only 1822 women and 405 men are lone parents with dependent children.

The number of women lone parents with dependent children is highest for those in the 35-44 age bracket. Within this age group, many women lone parents have one (376), two (259), three or more (152) dependent children. Younger women lone parents have fewer dependent children.

The greatest number of lone parents is made up of 3801 widows and 1019 widowers. 281 women and 28 men are single never married lone parents. 1028 women and 235 men are separated lone parents. Only 140 women and 50 men are annulled or divorced lone parents. 647 married women and 235 married men also claim to be lone parents.

As a percentage of all lone parents, almost equal percentages of women (65.8%) and men (64.3%) are widowed. However, a higher percentage of lone parent women (4.8%) than lone parent men (1.8%) are single, never married. There are

small differences between separated women (17.4%) and men (15.2%), and between annulled/divorced women (2,4%) and men (3.2%).

There are more older than younger children in lone parent families. The greater number of older children corresponds to the greater number of the not so young widowed and separated lone parents. This suggests that the majority of children in lone parent families do not originate from single unmarried mothers.

13.6 Family Benefits

Malta has an extensive system of family benefits, which include: maternity benefit, children's allowance, disabled child allowance, social assistance, and milk grant.

Some of the family benefits falling under the non-contributory scheme are subject to a means test and qualification depends on various factors. In the case of social assistance, payment is issued on the head of the household, while in the case of maternity benefit, children's allowance and disabled child allowance, payments are issued to the mother or woman who has custody of child/children even if the custody is shared equally with the head of household.

The 1993 Amendments in the Civil Code broadened the concept of paternal authority to parental authority, which has to be exercised by the common accord of both parents.

All unmarried and married women have the same access to means tested benefits paid out by the Department of Social Security. Entitlement to such benefits depends on financial circumstances rather than marital status.

The various benefits issued through the provisions of the Social Security Act, 1987, are paid either by cheque or by direct credit to the client's bank account.

Family benefits are paid directly to the family unit. However, in the case of children being cared for in institutions, children's allowance and disabled child allowance are paid directly to the institute/home that is caring for the child.

13.7 Social Housing

The Department of Social Housing provides social housing. The Department provides alternative accommodation to those sectors of the community living in substandard dwellings, thus promoting decent living standards compatible with human dignity.

Its main clients are families living on benefit and those on low income that cannot obtain decent accomodation on their own. Those who find themselves homeless are also catered for.

The principal objective of the Department is to provide accomodation to needy families in virtue of the Housing Act, 1949 (Ch. 125).

These services are available to all Maltese citizens be they married couples, single parent families or single persons, irrespective of gender or creed.

13.8 The Housing Authority

Schemes at the Housing Authority that aid persons and groups include the following:

- engaged couples preparing to get married;
- married couples;
- single parents with dependent children;
- separated persons (legally or *de facto*) with unmarried children;
- disabled persons;
- widowed persons with dependent children or elderly parents living in the same household;
- persons living alone or with elderly parents;
- siblings living in the same household.

In the first quarter of 2001, the Housing Authority issued a call for applications for a total of 131 accommodation units, 99 of which were put up for sale at a subsidised price and the remainder (32) were rented out. The accommodation units include maisonettes, cluster houses and apartments and allocation is based on a points system. Assessments of income and earnings of the respective applicants, apart form other factors such as current state of applicants' dwelling, and age of applicants make up the points system. Twelve per cent of accommodation is reserved for disabled persons.

13.9 Access to Financial Credit

Women, whether married or unmarried, now have access to loans, mortgages and other forms of financial credit. Women can administer their own property that was acquired before marriage. Women administer jointly with the husband the Community of Acquests which comprises all property acquired, bought or taken on emphyteusis, by the husband or wife from the date of the marriage until its termination and all income received by the spouses to the exclusion of any property or income which is inherited.

Under the new Civil Code, the Community of Acquests is administered jointly by both spouses, and operates automatically from the date of marriage, unless the couple choose either a complete separation of property or the Community of Residue under Separate Administration where husband and wife fully administer their own separate property during marriage and on termination of marriage the residue of both spouses is added up.

Where the Community of Acquests applies, there is the presumed joint consent of both spouses in case of ordinary administration, and day-to-day matters, such as the collection of rent, purchasing even on credit essentials such as groceries, and leasing, provided the rent is moderate. Ordinary administration requires the signature of only one of the spouses. Acts of extraordinary administration vest in the spouses jointly. The Civil Code in article 1322 gives an exhaustive list of acts of extraordinary administration, which include among others, buying and selling of immovable property, the constitution of hypothecs, borrowing and lending, suretyship, giving property on pledge in security of a debt, the buying of immovable property on hire purchase or on credit.

Under the new law, both spouses are liable for the debts of the Community of Acquests with all their property, even paraphernal. Before the amendments were made to the Civil Code, the wife's paraphernal property was exempt from such liabilities.

The guidelines issued by the local banks relating to these economic benefits distinguish between overdraft facilities, loans and other banking benefits. In relation to overdrafts and other banking facilities, there are two options available. The first facility is granted to the particular spouse who is exercising a trade or business, or who requires it, provided the other spouse stands as surety. In this case, both spouses hypothecate the property secured by the principal debtor, and the same applies to the property secured by the surety. The second option applies to instances where either both spouses are trading or where they voluntarily choose this option rather than the one above. Here, the facility is given to both spouses, and both spouses are liable as principal debtors *in solidum*.

With regard to loans, if the loan is required together with other banking facilities, the above mentioned options apply. In all other instances, the loan is to be granted to both spouses, and thus both of them stand as principal debtors. However, access to credit based on collateral remains a stumbling block for many women who are full time housewives and whose non market work is unremunerated.

The wife may guarantee her husband's liabilities without the need of any court authority. Before the 1993 amendments came into force, although the husband could freely guarantee his wife's liabilities, the wife could not do so without the court's authority. Furthermore, a higher degree of protection has been given to the wife as the banks require that, in the case where the husband is standing as surety for the third party, the wife's signature is also mandatory.

Under Maltese law, pledge is defined as a contract created as a security for an obligation. In the case where both spouses pledge property in favour of the bank, both spouses must sign the pledge. Such signatures must be attested by a bank manager, in the absence of which they are to be attested by a lawyer or notary public.

Although the signature of both spouses, is required, in practice, one spouse may freely grant a power of attorney to the other. However, with regard to acts of extraordinary administration and compromise, the power of attorney which may be through a public deed or private writing must be attested by a lawyer or a notary public and contain a declaration by the lawyer or notary public that he/she has warned the spouse appointing the other spouse as attorney of the importance and consequence of such appointment.

In the case of bank accounts in the name of one spouse, money may only be withdrawn by such spouse. In other words, the consent of the other spouse is not required, nor does the other spouse have any right to impede the account holder from withdrawing such money unless, through the use of a garnishee order or any court order.

Mortgage is not found under Maltese law but there exist hypothecs instead. Maltese law defines hypothecs as a right created over the property of a debtor or of a third party for the benefit of the creditor, as security for the fulfilment of an obligation.

In the Community of Acquests, both spouses must hypothecate, whilst in the Separation of Property and the Community of Residue Under Separate Administration, it is sufficient if the spouse in whose name the immovable property is registered, hypothecates.

House loans up to a maximum of thirty years are provided by commercial banks to single persons and married couples.

Lending procedures conform with amendments made in 1993 in the Civil Code as follows:

i. Loans falling under the Community of Acquests are to be effected invariably in the joint names of the spouses. Furthermore, both spouses are to sign the loan application, the deed of loan, as well as any of the other forms of charge that need to be signed such as guarantee forms, pledge forms, and insurance application forms.

ii. The same rules apply to the Community of Residue Under Separate Administration.

iii. In the case of the Separation of Estates, the same rules and conditions apply as those applicable to single persons. Whether a loan is made to a man or a woman, the banks insist on obtaining the guarantee of the other party.

A loan applicant must be at least 18 years of age, and the father's consent is not required.

In 1996, several amendments were made to the Income Tax Act 1949, as amended in 2001, which had held the husband responsible for the completion of income tax returns and the payment of income tax for both the husband's and wife's earnings. A first set of amendments to the same Act in 1990 had brought about a situation where the husband and wife could opt for a separate computation. This meant that the wife's income was no longer aggregated with the husband's total income for the year's assessment. Although in practice this meant that the husband and wife would pay less income tax, the husband was still responsible for tax returns and payments. Following the enactment of Act XX of 1996, married women were given the opportunity to sign the income tax return form jointly with their husband. This enactment also gave the wife the possibility of being elected, by consent of both spouses, as the spouse to be responsible for the tax on the chargeable income.

13.10 Sport

Women and men have equal opportunities in recreational activities, sport and all aspects related to cultural life. Participation in such activities is encouraged from early school days.

Women who are inclined toward sport, participate in local competitions and represent the country in various sport disciplines abroad, notably swimming, judo, tennis, athletics and bowling.

Although women may participate in any sport, they are largely outnumbered by men in all disciplines except the traditional female sport netball. The title of Sports Woman and Sports Man of the Year is awarded annually.

Maltese people do not lead a physically active life. The 1984 MONICA survey showed that slightly less than 50 per cent of men aged 25 to 44 were inactive and this increased sharply with age. Three out of four women were physically inactive, with little changes as they age.

The construction of a regional sports centre is planned to encourage local athletes and improve the country's sports facilities in time to host the European Small Nations Games, scheduled to take place in Malta, in 2003.

ARTICLE 14
Rural Women

14.1 Physical Features

Malta comprises a group of islands situated in the middle of the Mediterranean Sea. The archipelago consists of three inhabited islands, Malta, Gozo and Comino and two other uninhabited islands. Malta lies 93 kilometres south of Sicily and 288 kilometres from the nearest point on the North African mainland (Tunisia).

The total area is 316 square kilometres. The longest distance in Malta is 27 kilometres and at its widest point it measures 14.5 kilometres.

Malta has neither mountains nor rivers. It is characterised by a series of low hills with terraced fields. Its coastline is well indented and provides numerous harbours, bays, creeks, sand beaches and rocky caves.

The climate in Malta is warm and healthy. There are no biting winds, fog, snow or frost. Rain falls only for short periods averaging 578mm in a year. The temperature averages 14.1 Celcius in winter, (Nov – Apr) and 32 Celcius in summer, (May – Oct).

At the end of 1999, the Maltese resident population stood at 380,201 and consisted of 188,589 males and 191,612 females. Since the last census taken in 1995, the population rose by 2.4 per cent.

Malta's size enables easy accessibility. Improvement in infrastructure and means of transport has blurred sharp divisions between the rural and urban areas. The Maltese can follow local and foreign television stations and a diverse number of newspapers are published daily and weekly in both Maltese and English, Malta's two official languages.

14.2 Agriculture in Malta

Up to a couple of decades ago, agriculture was one of the main pillars of the Maltese economy. However, as occurred in other countries, urbanisation has led to a decrease in agricultural activities. Land and water resources restrictions have forced the remaining growers to cultivate crops in greenhouses instead of open fields, and farmers to rear animals in more concentrated farming.

The introduction of modern technology, modern breeding, improved cultivation techniques and micro propagation have led to substantially refined agricultural system. The ever increasing overall costs, however, tend to lend support to the economically advantageous importation of agricultural goods.

To date, there are no recent farm work force figures available, but a Census of Agriculture is taking place.

On the basis of available data, women's presence on local farms seems relatively low. A number of female farm workers are registered on their father's or husband's name for income tax purposes. The data available show that there are more women in animal husbandry than in crop growing, and more women farmers on the island of Gozo than in Malta.

According to the latest Census of Agriculture 1990-1991, there were only 1,510 full-time farmers in Malta, of whom, 110 were women. From a total of 21,418 part-time farmers, 8,762 were women (Tables 14.1 and 14.2). These statistics include farmers who cultivate their crops in open fields and in greenhouses.

Recent statistics suggest that 205 farmers cultivate their crops in greenhouses, three of whom are women.

There has been a decline in total agricultural land and an increase in irrigated land. The amount of agricultural land in the Maltese Islands was provisionally established at 10,738.4 hectares that today has dropped by 396 hectares when compared to the 1991 census. The amount of dry agricultural land decreased by 763 hectares to 8240.4 hectares when compared to the area quoted in 1991. On the other hand, there has been an increase in irrigated land to 1,143 hectares.

Most agricultural land is concentrated in the north westerly region. Indeed, 56.2 per cent of all agricultural land is found in this region. This region has 679 full-time and 4,942 part-time farmers, while Gozo and Comino have 127 full-time and 2,494 part-time land tenants.

Around 71 per-cent of all land tenants or 8,088 have less than 1 hectare in agricultural land.

The following table shows the number of male and female animal and poultry breeders in Malta, as of June 2001 (Table 14.3).

Rural women are aware of their legal rights, mainly due to the insignificant distance between rural and urban areas. Rural areas have similar access to telecommunication lines as urban areas. Campaigns on women's issues are accessed both by rural and urban areas.

14.3 Health Care

Malta enjoys a relatively high standard of living. There is universal access to free health care at the primary, secondary and tertiary care levels with a highly trained and qualified medical and paramedical personnel. Health care is provided by the State and private sector.

Health care in Malta is characterised by a comprehensive, highly specialised and publicly-funded health care system. In this public system primary, secondary and tertiary health care is provided free of charge. There are Health Centres spread over the islands of Malta and Gozo on a geographical basis, that look after the medical needs of people living in both urban and rural areas. These health centres offer free professional primary health care including a 24-hour domiciliary, general practitioner service, as well as a number of specialised clinics, including obstetrics and gynaecology and baby clinics. Immunisation centres are also located in primary health care centres. Besides the health centres, a number of small dispensaries are found in all towns and villages. These are staffed by a nurse and medical officer and are open for a number of hours two or three times a week. Given the small size of the island, all health centres are easily accessible.

Various forms of contraception are available and widely used. They are not offered free to the citizens through the National Health Service. Dispensing of barrier

methods is retrieved over the counter from many outlets. Oral contraceptives are dispensed from pharmacies against a prescription by a medical practitioner. The husband's authorisation for a married woman to request health services, including family planning, is not required by law.

Early in 1995, the national machinery for gender equality published a number of leaflets on women's health: The Period, Hysterectomy, The Menopause. These publications were distributed in health centres and secondary schools, both in urban and rural areas, and also in the State Hospital.

Family planning is also offered by the Cana Movement, a non-governmental organisation which was set up to educate and instruct Maltese couples. These educational programmes are imparted both in marriage preparatory courses, in counselling and in special sessions on family planning. It is compulsory for couples, whether living in urban and rural areas who opt for a religious marriage, to attend courses organised by the Cana Movement. Family planning falls under two categories namely, education in responsible parenthood and the practical teaching of family planning methods. The Cana Movement organises various other courses in preparation for marriage. Through its counselling services it provides help to persons, irrespective of marital status, with regards to sexual, moral and legal issues.

The Cana Movement also organises meetings and seminars for married couples to discuss family life, children's education and family planning. Married couples discuss topics such as divorce, abortion, infidelity and responsibilities.

The main office of the Cana Movement is centrally located in Floriana and is easily accessible. The Movement has another six regional centres and one in Gozo.

Women have access to counselling on family planning in gynaecology clinics and through the Post-Natal Care Service provided by the Government. Family planning services are provided at:

- ante-natal classes in the form of information and advice;
- hospital or health centre gynaecological clinics by gynaecologists on an individual basis;
- post-natal family welfare clinics in health centres.

14.4 Life Expectancy

Life expectancy, both in rural and urban areas, has been steadily improving from 1980 and is now higher than the European average. It is also consistently better for women than for men at all ages. In 1999, women's life expectancy at birth was 79.3 years, whilst for men it was 75 years.

The mortality rate of rural and urban women, is similar. The crude mortality rate (deaths per 1000 mid-year population) was 8.1 in 1999. Considering that Maltese statistics include neonates born weighing between 500g and 1000g (which is not the case for other countries), and that abortion is illegal (thus there may be more deliveries of children with birth defects), the rate of infant mortality is very low. The crude infant mortality rate (deaths under one year per 1000 live births) was 7.2 at the end of 1999.

14.5 Education

Boys and girls in Malta's urban and rural areas have equal access to education at all levels. Education is compulsory between the ages of five and sixteen. Most children start attending pre-school at the age of three. State schools are co-educational, at primary level and single-sex at secondary level.

Compulsory and post-compulsory schooling is free of charge. Additionally, school-age students receive free textbooks and free transport to and from school.

State Kindergarten is free of charge and registers children at the age of three. There is a primary school and attached kindergarten centre in every town or village, whether urban or rural. Attendance at the centres is voluntary.

14.6 Training in Agriculture

In Malta there are two trade schools and one technical institute, that provide training in agricultural and commercial horticulture. The G. Micallef College of Agriculture trains students in Commercial Horticulture and Animal Husbandry and veterinary assistance.

The Danny Cremona School of Agriculture and Kelinu Galea School of Agriculture provide agricultural theory and practice. Of the 133 students attending these schools in 1999, all were male. Students between 14 and 20 years of age may attend these schools. On the same level there is another agriculture trade school in Gozo.

At tertiary level, an Institute of Agriculture was set up at the University of Malta. The students may read for diploma, a Master's degree or a doctorate in agriculture. In 1999, there was a total of 37 students, 14 of whom were women.

Illiteracy among farmers has reduced considerably. Young farmers taking their parents' role in farm administration, attend more educational meetings or workshops. They are also increasing contracts with foreign enterprises to update their knowledge and technology. However, no specific figures have been published to date.

The Extension Service Section of the Department of Agriculture organises a farmers' meeting every fortnight, where different subjects, ranging from crop cultivation and diseases to animal breeding and latest technology in farming are discussed.

14.7 Loan Facilities and Grants

The Department of Agriculture, through its Loans and Grants Section, helps farmers apply for benefits for the construction of green houses, water reservoirs and farm building, and purchase of agricultural machinery. Farmers also benefit from grants issued by the Department of Agriculture where a reduced percentage of purchase expenses is carried out according to the type of purchased product, whether machinery or other agricultural resources.

The Department of Agriculture is in agreement with the three main commercial banks, i.e. Bank of Valletta, HSBC (the former Mid-Med Bank) and APS Bank, for the issue of bank loans for farmers. Both APS and HSBC provide farming clientele

with a subsidised interest loan scheme. This scheme allows clients a maximum loan of LM 10,000 at a subsidised interest rate of 4 ½ per cent. The rest of the interest is paid by the Department of Agriculture.

The Bank of Valletta had a 3-tiered scheme at 4 ½ per cent for a maximum loan of LM 10,000, at 3 ½ per cent for a maximum loan of Lm5,000. However both schemes were removed in 2000.

Applications for loans or grants are carried out jointly between husband and wife.

14.8 Decision-Making

In the Department of Agriculture, women occupy important roles in all departmental sectors, including physical, farm visiting, medial, laboratory technology and advisory services. On the other hand, in the private sector, women are found occupying clerical posts. One of the agricultural cooperatives has a woman as its President.

Women's representation on the main public bodies appointed through the Ministry of Agriculture and Fisheries is low. In 2000, only 6 per cent of those serving on committees, boards, commissions and tribunals within the Ministry were women.

ARTICLE 15
Equality before the Law and in Civil Matters

15.1 Equality Under the Law

Maltese equality law centres on three constitutional provisions which were entrenched by Act XIX of 1991, that is, Sections 14, 32 and 45 of the Constitution of Malta.

Section 32 of the Constitution of Malta guarantees equality between men and women.

Section 45 of the Constitution which forms part of Chapter IV titled 'Fundamental Rights and Freedoms of the Individual', lays down, in Section 45(1), the guarantee on the Part of the State to the equality between the sexes.

The terms 'law' and 'discrimination' are defined in Section 124.

15.2 Married Women

In 1993, a major reform was made to the Civil Code (Chapter 16 of the Revised Edition of the Laws of Malta), in those provisions dealing with family law to redress discriminatory practice pertaining against women in marriage.

Both partners have equal rights and responsibilities in marriage, and joint responsibility for their children. Property acquired during marriage is administered jointly. Up to 1993, married women were legally inferior to their husband. The Civil Code recognised the husband as the sole head of the family, with authority over the children and in the administration of the couple's patrimony.

Amendment to legislation in 1996 further redressed discrimination against married women, that pertained in the Social Security Act, 1987, and the Income Tax Act, 1949.

The amendment in the Social Security Act concerned the definition of head of household. Whereas previously, the law recognised the husband as the sole head of the household, the new provisions define the head of the household as **such person, as in the opinion of the Director of Social Security, is the head of the household.**

Through Act XX of 1996, several amendments were made to the Income Tax Act, 1949, which previously had held the husband responsible for the completion of income tax returns and for the payment of income tax on his and his wife's earnings. A first set of amendments in 1990 brought about a situation where the husband and wife could opt for a separate computation. In practice this meant that the husband and wife would pay less income tax, however, the husband was still responsible for tax returns and payments. Following the enactment of Act XX of 1996, married women were given the opportunity to sign the income tax return jointly with their husband. This enactment also gave the wife the possibility of being elected, by consent of both spouses, as the spouse to be responsible for tax on the chargeable income. Although a tax return is signed by the responsible spouse, the spouses are jointly and severally liable for payment of the tax due.

15.3 Parental Rights

When Chapter 16 of the Civil Code was amended in 1993, by Act XXI, married women won the right to joint parental authority, together with their husband. Whilst previously the Civil Code spoke of "paternal authority", this concept has now been changed to that of "parental authority", which has to be exercised by the common accord of both parents. If, however, one of the parents dies, parental authority is exercised by the surviving parent. In the case of any disagreement between the parents in matters of particular importance, the Civil Code provides for the possibility of recourse to the Court of Voluntary Jurisdiction. The court limits itself to suggesting a solution which it considers to be in the best interests of the child and of the family. If, however, disagreement between the parents persists, and the matter is one of fundamental importance, the presiding judge may, upon the request of both spouses jointly, determine the matter himself in the best interests of the family and family life.

A further innovation is the specific recognition given to children over fourteen years of age who are to be heard by the Court in these cases (if the judge deems opportune), in accordance with the principles laid down in the United Nations Convention on the Rights of the Child.

Furthermore, joint parental authority is extended to joint representation of the children in civil matters and joint administration of the children's property.

New passport regulations complementing the Passports Ordinance, 1928, were also drawn up to enforce the provisions of the Civil Code, regarding the joint parental rights. Now the signature of both parents is required for the issue of a passport in the name of a minor.

Minors can travel on the passport of either parent as long as upon its issue, the consent of both parents was previously obtained. As from 1st April 2001 it is no longer possible to include minors on their parents' passport or on new passports issued after this date.

15.4 Right to Conclude Contracts and Administer Property

Maltese women, whether single or married, have access to loans and credit, can hold title to land, and can make contracts in their own name, including those related to credit, real estate, and commercial transactions.

Single women can administer property without the interference or consent of a male.

Since the coming into force of the amendments to the Civil Code in 1993, by Act XXI, married women have the right to administer property acquired before marriage (paraphernal property) and to administer jointly with their husband all property acquired during marriage.

The first important step towards the elimination of discrimination against married women in Malta dates back to the enactment of Act XLVI of 1973 whereby, *inter alia*, married women were allowed to contract in their own name and represent themselves in judicial proceedings without the consent and assistance of their

husbands. This brought about the end of a situation wherein a married woman had, virtually, no legal capacity.

Amendments to family law have removed all former discrimination faced by married women in the crucial area of banking and finance.

The main problems faced by women, aspiring to integrate into the economic sector, are social and cultural rather than of a legal nature.

However, access to finance is not easy for women and credit arrangements with banks remain difficult.

Data on women's ownership of land and real estate, is unavailable.

As a result of the 1993 amendments to the Civil Code, married women have won the right to administer not only property which belonged to them before marriage (paraphernal property) but also to administer, jointly with the husband, the patrimony acquired by both spouses during marriage. Whereas the concept of judicial separation of property has been maintained, under Section 1332 of the Civil Code, the law now provides for the separation of property solely to protect the interests of both spouses.

15.5 The Community of Acquests

Marriages in Malta are regulated by the Community of Acquests, which is the prevailing system of administration of assets owned by the spouses. The Community of Acquests comprises all income earned, and all property acquired (bought, or taken on emphyteusis) by the husband or wife from the date of the marriage until its termination and includes all income derived from such property.

The Community of Acquests applies also in the case of a marriage celebrated abroad between persons who subsequently establish themselves in Malta with regard to any property acquired after their arrival.

The Community of Acquests is equivalent to a partnership of property between the spouses wherein all the property which they acquire, both jointly and separately, with their work or savings during marriage, belongs equally to both. As a result of the amendments introduced in the Civil Code in 1993, the position with regard to the Community of Acquests, although retained, was radically changed.

As a result of these amendments, husband and wife were put on an equal footing. The ordinary administration of the acquests and the right to sue or be sued in respect of such ordinary administration, vests in either spouse, whilst acts of extraordinary administration, and the right to sue or be sued in respect of such acts, or to enter in any compromise in respect of any act whatsoever, vests in both spouses jointly.

The Civil Code provides an exhaustive list of all those acts which are considered to be acts of extraordinary administration, and hence, any other act which is not mentioned in the law is presumed to be an act of ordinary administration. However, in doubtful situations, each case should be considered on its own merits. The law also lays down those instances wherein one spouse may perform acts of extraordinary administration on his or her own. The first case wherein this is

possible is when one spouse, by means of a public deed or a private writing (attested in terms of Section 634 of the Code of Organisation and Civil Procedure), appoints the other spouse as his or her mandatory. Another case is if one of the spouses is away from Malta or if there exists any other impediment in respect of such spouse and in either case no such authorisation exists, the other spouse may perform such necessary act of extraordinary administration of the acquests on his own after obtaining the authorisation of the Court of Voluntary Jurisdiction.

However, the Court may not, in such cases, grant authorisation to perform necessary acts of extraordinary administration in general but such authorisation will be limited to a particular act. If such act consists in the alienation of the ownership of any real right over immovable property or the granting of any general or special hypothecation, this is also to be registered in the name of the absent or incapable spouse as if such spouse were a party to the deed of alienation or hypothecation. In default, the registration, in respect of third parties, is only *operative vis-à-vis* the spouse in whose name it is registered.

The Civil Code also caters for the situation wherein one of the spouses does not consent to an act of extraordinary administration. In such a case, if the act is necessary in the interests of the family, then the other spouse can apply to the competent court for authorisation to perform the required act.

Although the general rule is that the spouses administer their property together, the Civil Code caters for those situations wherein one of the spouses may be excluded from the administration of the Community of Acquests. The competent court, in such case, may, at the request of one spouse, exclude the other spouse, either generally or limitedly for particular purposes or acts, from the administration of the Community of Acquests if the latter spouse is not competent to administer or has mismanaged the Community of Acquests. In such a case, the administration of the Community shall, to the extent to which such spouse has been excluded, vest exclusively in the spouse not so excluded. These consequences are also brought about if one of the spouses is interdicted or incapacitated and persists until such interdiction or incapacitation ceases.

In the eventuality of one spouse performing an act requiring the consent of both spouses without the necessary consent of the other spouse, such an act may be annulled at the request of the latter spouse if such act relates to the alienation or the constitution of a real or personal right over immovable property. In the case of movable property the act may only be annulled if rights over them have been conferred by gratuitous title. Such action for annulment may only be instituted by the spouse whose consent was required within the peremptory period of three years from the date when such spouse became aware of the act, or from the date of registration if such act is registerable, or from the date of the termination of the Community of Acquests, whichever is the earliest. However, this right lapses on the expiration of three months from the day on which notice of the act has been given to such spouse by means of a judicial act, unless an action is instituted within such period of three months.

15.6 Separation of Estates

Before the marriage, the couple may declare that instead of the Community of Acquests, they want to opt for complete Separation of Estates, whereby they will own and administer their property separately. This option entails that there is a net

distinction between the property of the spouses (acquired during their marriage), and each would administer his or her property without the interference of the other. Even in those marriages regulated by the Community of Acquests, the law provides that, either spouse can demand the separation of property if, *inter alia*, the other spouse conducts his/her affairs in a disorderly manner, or on the basis of other grounds specified in the law, such as the interdiction or incapacitation of one of the spouses.

15.7 Community of Residue Under Separate Administration

A new concept regulating the spouses' patrimonial relations, introduced by the amendments to the Civil Code, is the Community of Residue Under Separate Administration which is based on the German system of the Community of Accrued Gains. This provides for the situation where the spouses, by means of a marriage contract, exclude the application of the Community of Acquests and opt for a system wherein all property acquired by them during the marriage is held and administered by the spouse by whom such acquisitions were made. In relation to third parties, it is dealt with by such spouse as if such spouse were the exclusive owner thereof. It is submitted that this system is a half-way-house between the system of Community of Acquests and the system of Judicial Separation of Property. During the marriage, each spouse is free to acquire property in his or her own name and to administer and dispose of such acquests without the consent of the other spouse. But, on the dissolution of the marriage, all property acquired by both spouses and which is still owned by them, shall be divided equally between them. The assets governed by this system are those assets which form part of the Community of Acquests. In the case of assets acquired jointly by spouses who have opted for this system, these shall be administered jointly. The share of each spouse in such property may only be alienated *inter vivos* and with the consent of the other spouse, or, where such consent is unreasonably withheld, with the authority of the Court of Voluntary Jurisdiction, or in a judicial sale by auction at the insistence of any creditor of such spouse.

It is to be noted that a spouse will not be allowed to alienate any personal assets gratuitously except with the consent of the other spouse. This does not apply to donations of moderate value, regard being had to the condition of the parties and all other surrounding circumstances. In default, an action for the annulment of the act of alienation under gratuitous title may be instituted, by the spouse whose consent was required, within the peremptory period of one year from the date when the spouse became aware of the act, on the date of registration, when such act is registrable or the date of termination of the community of residue under separate administration whichever is the earlier.

15.8 The Matrimonial Home

Three other important amendments which have been introduced to the Civil Code relate to:

(a) the matrimonial home,
(b) the wife's surname, and
(c) the suspension of the right of maintenance.

As regards the matrimonial home, the previous position in the Family Law was that the wife was bound to live with her husband and follow him wherever he deemed

fit to establish the matrimonial home. Thus, in theory, the wife had no say in where she lived. A radical change to this situation was brought about by the 1993 amendments to the Civil Code which state that, the matrimonial home is to be established where the spouses may, determine by their common accord, in accordance with the needs of both spouses and the overriding interests of the family itself.

Although the matrimonial home may have been acquired by either spouse prior to the marriage, and, thus, forms part of such spouse's paraphernal property, the fact that it is the matrimonial home imposes certain obligations on such spouse. The latter may only alienate, by title *inter vivos*, his or her right over the matrimonial home:

a. with the consent of the other spouse; or,
b. where such consent is unreasonably withheld, with the authority of the Court of Voluntary Jurisdiction; or,
c. in a judicial sale by auction at the instance of any creditor of such spouse.

15.9 The Family Surname

Under the amendments to the Civil Code, the family surname remained that of the husband. However, married women were given the right to choose whether to assume their husband's surname, or to retain their maiden surname or to add the husband's surname with her own. The children of the marriage must take their father's surname, to which they may add their mother's. Furthermore, women who had been married before December 1993, were given a period of six months to apply at the Public Registry to revert to their maiden surname.

15.10 Maintenance of Spouses

The spouse against whom the separation is pronounced shall not be released from the obligation of supplying maintenance to the other spouse. The burden of maintaining the family is not borne any longer solely by the husband, but by both spouses jointly. The Civil Code provides that both spouses, each in proportion to his or her needs, and of his or her ability to work, whether in the home or outside the house, as the interest of the family requires, to maintain each other and to contribute towards the needs of the family. In the case of personal separation, the spouse who has given cause for separation, is bound to maintain the other spouse.

Upon pronouncing the personal separation of the spouses, the Court may order that maintenance be paid as a lump sum instead of periodical payments, for example, once a week or monthly. This could be applied in the case of a spouse who would require training or retraining in a profession, art or trade. This lump sum can also be invested by the spouse in an income-generating activity. This is in order to make the spouse to whom maintenance is due, financially independent of or less dependent on the other spouse, as the case may be. With respect to maintenance, the spouse has a prior right over the parents and other ascendants.

15.11 Dowry

The provisions regulating legal dowry have been repealed. Dowry represented the bride's contribution to the needs of the household. The objects constituting dowry were given by the bride or by her family to the bridegroom in order to contribute

towards the expenses of the marriage. This was a corollary to the legal responsibility of the husband as the sole provider of the family.

With the new amendments to the Civil Code (Family Law), husband and wife are jointly responsible for the needs of the family, and consequently, the purpose of the Institute of Dowry is no longer relevant.

The law has, however, retained the validity of past dowries which are regulated by the law in force prior to the amendments to the Civil Code in 1993.

15.12 Redress Against Sex Discrimination

With effect from 1 July 1993, anybody can institute an application for the redress of sexual discrimination in the Civil Court, First Hall.

The European Convention, which is part and parcel of Maltese Law, can be enforced in the First Hall, Civil Court, and, on appeal being lodged, in the Constitutional Court. On 30 April 1987, Malta ratified the right of individual petition and any person can apply to the European Commission of Human Rights if he/she feels aggrieved by any decision of the Constitutional Court based on any provision of the European Convention as enshrined in the European Convention Act, 1987.

In the case of allegations of infringement of the human rights and fundamental freedoms provisions of the Constitution, an application to that effect is also made to the first hall Civil Court and an appeal, which is final lies with the Constitutional Court.

The European Convention Act, 1987, which implements the European Convention on Human Rights does not list freedom from discrimination *per se* as a fundamental human right but one has redress against discrimination if the action is in breach of another fundamental right enshrined in the Act. In the Constitution protection from discrimination is considered a fundamental right in itself and is enshrined in Section 45(1).

The Employment and Industrial Relations Act, 2002 provides that a female employee may have redress to the Industrial Tribunal, amongst other cases, if she is dismissed from employment due to marriage or pregnancy.

15.13 Equal Treatment in Court

Women and men are treated equally before the Maltese Courts, since the Courts reflect the principle of gender equality embodied in Maltese Law. Thus, women are vested with the capacity to sue and be sued in their own name. With regard to the testimony of a woman, Section 629(1) of the Criminal Code provides that **every person of sound mind is admissible as a witness unless there are objections to his competency**. Consequently, this section reflects the principle that the testimony of a woman is equal in weight to that of a man.

Under Maltese law, whenever a woman presents a case before the local courts requesting damages, she is entitled to the same compensation as a man. Furthermore, housework is considered to be a form of employment for which a woman is entitled to damages.

15.14 The Judiciary

In recent years, an ever increasing number of female lawyers have obtained their warrant. Female lawyers practice their profession in the same way and under the same conditions as male lawyers. Furthermore, they are entitled to represent their clients before all the Courts and Tribunals contained in the Maltese legal framework.

In the academic year 2000-2001, students aspiring to take up the legal profession were mainly women. The doctorate in legal studies runs over a period of six years and is divided as shown in Table 15.1.

Female representation in senior positions in the Judiciary remains low. In 1995, there were four female magistrates out of sixteen. The first female magistrate was appointed in 1991. The Maltese legal system prescribes that for a person to be appointed as a magistrate, such person must be a member of the legal profession and must have been practising the profession for a minimum of seven years. So far, no woman has ever been appointed Judge. In order for a person to qualify to be appointed judge, she/he must either have practised as an advocate or served as a magistrate, or has partly so practised and partly so served, for a period amounting to twelve years. During 2000, the Judicary registered no change in the number of women magistrates over the previous year (Table 15.2).

15.15 Jury Service

Before 1994, Maltese women did not have automatic appointment for jury service. Women who wanted to be considered for jury sentence had to apply for it. In 1994, the provisions of the Civil Code dealing with jury service were amended to the effect that every Maltese Citizen having reached the age of twenty-one years or over, and residing in Malta, may serve as a juror. Such persons need to have an adequate knowledge of the Maltese language, be of good character and competent to serve as jurors (Section 603(1) of the Criminal Code). Furthermore, amendments exempt from jury service those persons responsible for the care of a family or of a person who suffers from any physical or mental infirmity (Section 604(3) of Criminal Code).

15.16 Legal Aid

In Malta, legal aid is available to all persons, including abused women, who have limited financial resources. Legal aid is provided for in Sections 911 to 925 of the Code of Organisation and Civil Procedure. Furthermore, Section 570 of the Criminal Code provides that the Advocate for Legal Aid gratuitously undertakes the defence of any accused who has briefed no other advocate.

15.17 Choice of Residence

In Malta, the domicile of the husband is communicated to his wife immediately upon marriage and is inevitably retained by her for the duration of the marriage. A legitimate child born during the lifetime of the father has his/her domicile of origin in the country in which his/her father was domiciled at the time of his/her birth. A legitimate child not born during the lifetime of his father, or an illegitimate child, has his/her domicile of origin in the country in which his/her mother was domiciled

at the time of birth. A foundling, or a child of whose parents nothing is known, has his/her domicile of origin in the country in which he/she was found or born.

15.18 Freedom of Movement

The Constitution defines freedom of movement as the right to move freely throughout Malta, the right to reside in any part of Malta, the right to leave and the right to enter Malta. Thus, anyone entitled to freedom of movement is considered an exempt person under the provisions of the Immigration Act and does not require a permit to reside.

One of the criteria to obtain freedom of movement in Malta under the provisions of the Constitution, is if the person is a non-Maltese wife of a citizen of Malta, who has acquired Maltese citizenship by birth in Malta, or of a person who enjoys freedom of movement, as long as the wife is actually living with her husband. In 1989, the Immigration Act, 1970, was amended so that non-Maltese husbands of citizens of Malta be considered as exempt persons for the purposes of residence and employment in Malta. Moreover, the non-Maltese widow or widower of a citizen of Malta continue to enjoy these residential and employment privileges on the death of the spouse.

If a foreigner wants to work in Malta before the marriage in order to familiarise himself/herself with the local employment situation, an employment license must be submitted on his/her behalf by the prospective employer. If sufficient documentary evidence be submitted to the effect that the marriage will take place within six months, an employment license valid for the six months prior to the marriage date, is issued. The employment licence is no longer necessary after the marriage is contracted.

15.19 Nationality

Prior to the 1989 amendments Malta was a single nationality State and a Maltese citizen could not hold any other nationality. The only exception to this rule followed a constitutional amendment made in the same year which was a consequence of the high rate of emigration and returned migrants to Malta. Thus, Maltese emigrants could retain both their Maltese citizenship, as well as the citizenship of their adoptive country, provided that the laws of that country allowed this. If this was not the case, the emigrant ceased to be a citizen of Malta as soon as he/she acquired the citizenship of the adoptive country.

The applicant would qualify for dual citizenship if he/she is a Maltese emigrant holding a foreign citizenship acquired after and as a result of the emigration to a particular country. Furthermore he/she must have been born in Malta prior to Malta's Independence, on the 21 September 1964, having at least one of his/her parents also born in Malta, or born in Malta on or after that date but before 1 August 1989 and he/she must have lived in the adoptive country, from which citizenship was obtained, for at least six years during which any visit/s to Malta should not have exceeded three months in any one year, or twelve months in the aggregate.

A person born in Malta after 1 August 1989 would also qualify for dual citizenship but subject to different conditions. As a consequence of Act IV of 2000 it is now

also possible for a citizen of Malta to have multiple citizenship. Art 7 of the Maltese Citizenship Act states that:

It shall be lawful for any person to be a citizen of Malta, and at the same time a citizen of another country.

Section II(1) of the Maltese Citizenship Act, 1964, as amended in 2000 dealing with minors provides that:

... the Minister may cause the minor child of any citizen of Malta to be granted a certificate of naturalisation as a citizen of Malta upon application made in the prescribed manner by the person who according to law has authority over him ...

Thus, nationality may be conferred by either mother or father of the minor.

15.20 Minors' Passport

In 1993, the Civil Code (Family Law) provided for joint parental authority. Thus, both parents' signature is required for the issue of a minor's passport. It is not necessary for both parents to present themselves together at the Passport Office. Either parent may file the application, together with the required documents.

Minors may travel on the passport of either parent as long as the consent of both parents was obtained previously. This is no longer possible on passports issued after 1st April 2001.

ARTICLE 16
Equality in Marriage and Family Law

16.1 Equality in Marriage

Marriage in Malta is regulated by the Marriage Act of 1975 as subsequently amended in 1996. A marriage contracted between persons either of whom is under the age of 16 is void. But if either or both parties to the marriage is under the age of 18 (but over the age of 16) the parents' consent is required.

With respect to formalities preceding marriage, the celebration of marriage must be initially announced through publication of marriage bans. The bans shall state the name, surname, place of birth and residence of each of the persons to be married, and place of marriage. The marriage registrar will only order the bans to be published if so requested in writing signed by both persons who wish to contract marriage.

A marriage may be contracted either civilly as established by the Marriage Act, or in a religious form. A religious marriage is contracted according to the rituals or practices of a church or religion recognised for the purpose of the Act, and to which, either of the two persons to be married belongs or professes. A church or religion is recognised for the purpose of this Act if it is generally accepted as a church or religion, or if it is recognised as such by the Minister responsible for justice.

Prior to 1975, marriage was regulated by Canon Law. When the Marriage Act was enacted, all marriage jurisdiction became vested in the Courts of Malta. The marriage does not have effect for any purpose of law unless and until the appropriate act of marriage is completed and delivered for registration. Marriage may also be contracted by proxy with the authority of the Marriage Registrar, provided that, one of the persons to be married is abroad, and the other person to be married is present in Malta and the Registrar endorses strong reasons for permitting the marriage to take place by proxy.

Marriage is still very popular in Malta and no significant change is registered in the annual number of marriages contracted between 1989 to 1999. The lowest number of marriages was that of 2,317 in 1995. It was 224 less than that for 1991, which was the highest at 2541. Only a very small percentage of marriages are conducted civilly without religious celebration (Table 16.1).

Women are more likely than men to marry when still in the younger age band (Table 16.2).

Women have the same right as men to choose a spouse. Marriage may only be contracted if there is free consent.

16.2 Annulment and Divorce

Marriage is indefinite in duration, contracted between a male and a female, and it is monogamous in nature. Polygamy is not permitted by law and foreign polygamous marriages are not recognised.

Bigamy is a criminal offence, and foreign polygamous marriages are not recognised.

Divorce is not permitted under Maltese Law. A divorce obtained in another country, however, shall be recognised for all purposes of law in Malta provided that the decision is given by a competent court of the country where the divorce is obtained and of which either the husband or the wife are citizens thereof or are domiciled therein. Maltese law, however, provides for the personal separation of a married couple as authorised by the competent court. Legal personal separation does not lead to divorce.

The marriage will continue to subsist but the spouses will not be bound by the duties which the contract of marriage brings about. The spouses will no longer be bound by the duty of cohabitiation. Other duties such as the duty to maintain each other would be regulated in the judgement of separation or in the public deed in case of consensual separation.

A marriage can be annulled. An action for the annulment of a marriage may only be commenced by one of the parties to that marriage, even if such party is incapable of suing or being sued. However, where the action has been commenced by a party to a marriage, it may be continued by any of the heirs. If a marriage is declared void the effects of a valid marriage shall always be deemed to have existed with reference to the children born or conceived during the marriage. Moreover the guilty spouse which is responsible for the nullity of the marriage is bound to pay maintenance to the other spouse for a period of five years, which duty shall cease if the party in good faith marries anew within this period of time.

Although Maltese law does not provide for divorce, legally obtained foreign divorces are recognised in Malta.

16.3 Co-habitation

While the law deals with the legal relationship between wife and husband, no provision is made regulating the relationship between two consensual live-in companions. Provision is only made concerning the rights of illegitimate children.

Furthermore, widows are not obliged to marry the deceased husband's brother.

16.4 Engagements to Marry

It is customary for Maltese couples to get formally engaged before contracting marriage. An engagement can be entered into informally but traditionally a priest is invited to say prayers and bless the engagement rings. The law does not seek to regulate the form or ceremony of the engagement. The institute of Dowry has been abolished.

Anyone of the parties engaged can decide to break off the relationship and to call off the wedding. No court in Malta has jurisdiction, power or authority to compel any party, which has entered into an engagement to marry. The Promises of Marriage Law, however, state that where any person has, through a promise, contract or agreement, promised another person to enter marriage and such person subsequently decides to call off the marriage and refuses to get married within a

reasonable time after such a request is made, the gilted party may sue the person who breached the promise for damages.

16.5 The Family Law

The family Law was enacted by virtue of Act XXI of 1993, amending the Civil Code regulating matrimonial relations.

Prior to the amendments, both the husband and wife owed each other fidelity, support and assistance, but the husband was declared head of household. Upon marriage, the wife would automatically assume her husband's surname. Furthermore, she was bound to live with him and to follow him wherever he deemed fit to establish the matrimonial home. Today married women are equal partners in marriage with their husbands.

16.6 Family Name

Following amendments to the Civil Code, the family retained the husband's surname. However, married women obtained the right to choose whether to assume their husband's surname, or to retain their maiden surname. Married women were also given the choice of adding their surname to that of their husband's. Furthermore, women who had married prior to 1993, were given a period of six months to apply to the Public Registrar, if they so wished to revert to their maiden surname.

In the six months between December 1993 and June 1994, 498 married women chose to revert to their maiden surname, whilst out of 972 newly married women, 38 chose to retain their maiden surname.

The wife may retain her maiden surname provided that she declares her intention of doing so when applying for the publication of the bans in accordance with the Marriage Act.

The children of the marriage must take their father's surname, to which they may add their mother's.

16.7 Equal Partners

The new Civil Code regards a married couple as equal partners.

Article 2(2) of the Civil Code states that: **The spouses shall have equal rights and shall assume equal responsibilities during marriage**. It follows that decisions are to be taken jointly, at least in so far as they effect important issues. Joint responsibility concerns three main areas:

- choice of the matrimonial home;
- exercise of parental authority;
- administration of property.

Neither of the spouses has the authority of the last word in a disagreement. In case of any disagreement either spouses may apply for legal assistance, and the judge, seeks to bring about an amicable settlement after hearing the spouse and any of the children above the age of 14, residing with the spouses. When no amicable

settlement is attained on matters of fundamental importance, such as, choice of matrimonial home, the judge, if so requested by the spouses jointly, determines the matter himself/herself in the best interests of the family. The decision taken by the judge is final, and may not be appealed.

16.8 The Matrimonial Home

The spouses choose the matrimonial home jointly by common accord, and they are to make their decision not only in accordance with their own needs, but also subject to the overriding interest of the family. Husband and wife must act together even in the sale or lease of the matrimonial home. Neither of them may dispose of the home without the consent of the other spouse. This restriction also applies when the home is the property of one of the spouses only.

The spouse/owner, however, may request the authority of the Court to sell, or otherwise dispose of the home, if he or she feels that consent is being unreasonably withheld, in which case the Court may authorise the sale.

If, notwithstanding the above conditions, one of the spouses transfers the matrimonial home without the required consent, the transfer maybe annulled by the other spouse within one year from the registration of the transfer.

Since the matrimonial home is the home of the spouses, and neither of them should be evicted, the 1993 amendments provide for the legal right of habitation of the surviving spouse in the matrimonial home independently of whether the home formed part of the spouses' common property, or was the exclusive property of the predeceased spouse. This applies even in the absence of a will and even despite a will to the contrary. The spouses may, jointly, agree to exclude this right in a pre-nuptial or post-nuptial deed.

16.9 Parental Authority

Marriage imposes on the spouses the duty to look after, maintain, instruct and educate the children. The law has broadly defined the concept of 'care' expanding it to include "instruction and education" that go beyond mere physical care. The couple are jointly responsible for the care of their children and the concept of *patria potestas* (paternal authority). All references made to paternal authority are now made to parental authority. Parental authority must be exercised by common accord.

In case of disagreement, the law provides the possibility of recourse to the Court of Voluntary Jurisdiction which is done informally by either parent, who should indicate in the application the possible solution that he or she deems the most desirable in these circumstances. In such case the Court may do one of two things:

a. if the matter is not such that the Court should not substitute its authority for that of the parents, then the Court may indicate which parent it considers most suitable to take that particular decision; or,

b. it may impose its authority, which residual authority will continue to subsist in the very interest of the child and even despite the agreement of both parents on a particular matter, when this is clearly prejudicial to the children's welfare.

In these proceedings the Court may also hear those children who have reached the age of 14 on matters that directly concern them.

Both parents together are to administer the child's property, and either of them may open a bank account in their own name for and on behalf of the minor. The parents have the usufruct of all property devolving on the child by succession, donation or any other gratuitous title.

In the case of an illegitimate child, the parent acknowledging him/her enjoys all the rights of parental authority in his/her regard, other than the legal usufruct. Furthermore, the father is also bound to maintain and educate such child according to his means and to continue maintaining him/her in case of need even after the latter has attained majority and provided he/she has no husband or wife or descendants who are in a position to supply such maintenance. Such duty of the father extends also to the legitimate descendants of the predeceased son or daughter if their surviving parents or legitimate ascendants are unable to provide for him/her.

Either of the parents may deny maintenance if such child refuses without just cause to follow his/her directions in regard to his/her conduct or education, or if the child refuses to live in the house chosen by the parent and approved by the court for the purpose, and also in any other case in which according to law, it is competent for a parent to refuse maintenance to a legitimate child.

Children may be legitimated either by subsequent marriage or by a decree of the Court of Voluntary jurisdiction, in which cases, the parents and the legitimated child are in the same condition as a parent and a legitimate child. The child does not however acquire any other right deriving from consanguinity.

Adoption may only take place with the authority of the court of voluntary jurisdiction, granted by a decree made on the application of a person of either sex. In the case of a married couple, an adoption decree may be made on an application of the two spouses who must have been married and living together for a period of not less than five years. The application must be submitted jointly by the spouses. These conditions do not apply when one of the spouses is the natural parent of the child.

An adoption decree cannot be made unless the applicant, or in the case of a joint application, one of the applicants:

- has attained the age of 30 years but not that of 60 years, and is at least 21 years older than the person to be adopted;
- or is the mother or father of the person to be adopted and has attained majority.

An adoption decree cannot be made:

a. in respect of a person who has attained the age of 18 years, except in favour of a sole applicant who is the mother or the father of the person to be adopted;
b. if the person to be adopted is a female and the sole applicant is a male, unless the court is satisfied that there are special circumstances justifying the adoption decrees;

c. if the future adopter is in Holy Orders or is bound by solemn religious vows;
d. in favour of a tutor in respect of a person who is or was under his tutorship except after having rendered an account of his administration or after having given adequate guarantee of the rendering of such account.

In the case of an adoption of an illegitimate person, the consent of the mother is necessary if she is alive, and the natural father is also heard if he has acknowledged the person to be adopted as his child, or if the court is satisfied that he has contributed towards his/her maintenance or has shown a genuine and continuing interest in him/her.

On adoption, the adopted child acquires the same property rights as those of a child born in lawful wedlock.

16.10 Illegitimate Children

Provisions that relate to illegitimate children are laid down in the Civil Code.

Maltese law incorporates tutorship and curatorship. Any minor whose parents have died, or have forfeited parental authority, and who is not married, may be subjected to tutorship until he/she becomes of age (18 years) or until he/she marries. Tutors are appointed by the Court on the demand of any person.

The law provides also for the possibility of a curator (male or female) *ad ventrem* (male or female). If at the time of the death of the husband without issue, the wife declares that she is pregnant, the court may, upon the demand of any interested person, appoint such a curator for the purpose of preventing any suppression of birth, or substitution of child and for the purpose of administering the property up to the day of the birth under such directions as the court may deem it proper to give. Age of consent is regulated by law.

Under Civil Law a person under 18 years of age is under the parental authority and discipline of his/her parents, who may thus control the company kept by a minor as well as the places frequented, and times of day they may be out of the house.

Under Criminal Law some actions constitute an offence or constitute an aggravation thereof if the subject is a minor. Under Criminal Law a person remains a minor until he or she reaches the age of eighteen. Reference can be made to the law of defilement of minors, rape, prostitution of minors under sections 197 to 205 of the Criminal Law.

Sexual intercourse with a person under the age of 18 is considered to be a crime punishable with imprisonment. Furthermore, if a person has a carnal connection with a person below the age of 12 years, he is guilty of the offence of rape as, according to the legislation, a child under such age is not capable of understanding the nature of the gravity of the act, and thus, consent is not considered to be given freely.

16.11 Family Property

After marriage, unless the contrary is stipulated, property is family property. Debts are also family debts, and are consequently administered by both spouses.

However, the law distinguishes between two kinds of property, paraphernal and acquired.

Unless the spouses enter an agreement before or after marriage to exclude the community of acquests, this system shall apply automatically upon marriage. If, however the spouses decide to exclude the Community of acquests, the spouses may opt to regulate their common property through any of the following:

a. the Separation of Estates; or,
b. the Community of Residue Under Separate Administration.

If the community of acquests is excluded, this choice has to be made by public deed and registered at the public registry for third parties' knowledge.

16.12 The Community of Acquests

Under the Community of Acquests, income and earnings and divided equally on termination of marriage. The spouses have half undivided share of the common property, since what is acquired by one of them is for the benefit of both. The Community of Acquests is jointly administered by both spouses. In the case of day to day matters (ordinary administration), joint consent is presumed. Thus, husband or wife may collect rents, or purchase, even on credit, groceries or other items necessary for the family. Money may also be freely deposited in bank accounts in either spouse's name. On the other hand, in case of acts of extraordinary administration, such as buying or selling immovables, the right to sue and to be sued and to compromise litigation, vests jointly in the spouses. Purchases under hire-purchase agreements need the consent of both spouses.

While the Community of Acquests is administered jointly, the paraphernal property of the husband or wife is administered separately. Thus, a spouse may sell, lease or give the paraphernal property on emphyteusis, etc., without the need of obtaining the consent of the other spouse. If one of the spouses sells his or her paraphernal property or enters a deed of exchange the proceeds received or the property obtained in exchange will form part of the community of acquests.

16.13 Separation of Estates

Where the spouses opt for the Separation of Estates, the husband and wife manage their own property separately. What is earned separately by husband and wife remains property to the husband or wife respectively. Each spouse however, is in duty bound to maintain the other and to contribute towards the needs of the family in accordance with their ability.

16.14 Community of Residue under Separate Administration

In case of Community of Residue Under Separate Administration, husband and wife administer their own separate property during the marriage (full administration), and on termination of marriage, the residue (positive or negative, if there are more liabilities than assets) of both spouses is added up.

16.15 Dowry

Dowry was a custom regulated by law. The property forming part of the dowry was administered solely by the husband during marriage. However, as from December 1993, the sub-title dealing with dowry in the Civil Code was abolished as this custom ran counter to the principle of equality between the spouses.

16.16 Maintenance

Before the Civil Code was amended in 1993, the husband was bound to maintain his wife irrespective of the wealth or earning capacity of either party. As a result of the 1993 amendments, the husband and wife are reciprocally obliged to maintain one another as well as their children and to contribute towards the needs of the family. Maintenance includes food, clothing, health care and habitation, and expenses necessary for children's education.

The extent of the spouses' obligations is measured in terms of their means and ability to work, whether in or outside of the home, as determined by the interests of the family. Although the spouses have equal rights and responsibilities within marriage, the law does not demand identical contribution from each respective spouse. The introduction of the clause **ability to work inside or outside the home** introduced a new dimension into the calculation of the contribution of either spouse. The law recognises other kinds of contribution as is housework.

In case of personal separation, the spouse who has given cause to the separation, is bound to maintain the other. The guilty spouse also risks loosing part of his or her share of the community of acquests.

Children's maintenance is incumbent upon both parents, if both are in gainful employment, each in proportion to his or her means.

The spouse has a prior right over the parents or other ascendants, who many qualify for maintenance from the other spouse, in those instances specifically laid down in the law. Children may claim maintenance equally from both parents. However, the duty of one spouse to maintain the other ceases if the latter, having left the matrimonial home without reasonable cause, refuses to return.

16.17 Personal Separation

Personal separation between a married couple takes place after it is pronounced by a judge or authorised by a decree of the competent Court. The obligation of co-habitation of the spouses thus ceases for all civil effects. Personal separation may also be effected by the mutual consent of the spouses by means of a public deed and subject to the Court's authority. Only the spouses in question may bring about an action for separation against the other and such action may only be based on one of the grounds expressly laid down by the law.

In Malta, grounds for separation laid down by the Civil Code are the following:

a. adultery of either of the spouses;
b. excesses, cruelty, threats or grievous injury against the spouse or his/her children;

c. where the spouses cannot reasonably be expected to live together as the marriage has irretrievably broken down;
d. in the case where one of the spouses has been deserted by the other, for a period of 2 years or more, without good grounds.

The guilty Party shall forfeit:

- the right of one half of the acquests made by the industry chiefly of the other spouse on the date the court considers that the spouse gave right to the separation
- right of maintenance
- benefits arising from the law of inheritance
- things which were acquired by the other spouse by donation.

During the pendency of an action for personal separation either spouse may demand from the other a maintenance allowance in proportion to his/her needs and the means of the other spouse, and taking into account all the other circumstances affecting the spouses.

Maintenance may be awarded in monthly or weekly payments or else as a lump sum. The lump sum may be paid in kind by the assignment of immovable property, whether in ownership, insufruct or by title of habitation.

The Court has the authority to determine which of the spouses, should reside in the matrimonial home. Consequently, the Court may, on demand of either of the spouses during the pendency of the action order one of the spouses to leave the matrimonial home. On final judgement being delivered, any of the spouses may demand the court to decide who is to live in the matrimonial home. The court's decision may be altered in case of a substantial change in circumstances.

During the continuation of the action, the Court should give such directions concerning the custody of the children as it may deem appropriate, and in so doing, the paramount consideration should be the welfare of the children. In fact, custodial rights are factors, which are given primary consideration when the Court is deciding who is to remain in the matrimonial home.

The Court may, if it deems such measures to be strictly necessary and having regard to all relevant circumstances, direct that the children be placed in the custody of third parties, or in alternative forms of care. However, in this case, the parties retain their right to watch over the children's maintenance and education, and are bound to contribute thereto.

The Community of Acquests and even the Community of Residue Under Separate Administration, if this is operative between the spouses, ceases upon final separation. However, the Court may direct that certain assets be retained in co-ownership between the spouses for a definite period of time.

Another effect of personal separation is that the spouse who is at fault, forfeits all donations which he or she may have acquired from the other spouse. Furthermore, the spouse who is at fault also forfeits all rights of succession. As a result of personal separation, the wife may choose to revert to her maiden surname.

16.18 Inheritance

Succession in Malta may be testate or intestate, and the most popular type of will between spouses is the *unica charta* will, which is a will made by husband and wife in one and the same instrument. It is not lawful for any two or more persons other than husband and wife to make a will in one and the same instrument.

Where such a *unica charta* will is revoked by one of the testators with regard to his or her estate, it continues to be valid to the estate of the other. However, where by such will, the testators bequeath to each other the ownership or usufruct of all the property, or of the greater part thereof, the survivor who revokes the will with regard to his or her estate shall, unless the predeceased otherwise provides, forfeit all rights which he or she may have had in virtue of such will on the estate of the predeceased spouse. This applies independently of whether revocation is made by the husband or the wife.

Where the testator leaves children or descendants, the surviving spouse (whether it is the husband or the wife) cannot receive in ownership more than one-fourth of the deceased's property, and although by right he/she is entitled to the usufruct of half of the estate of the deceased, the testator may bequeath to him/her the usufruct of all his/her estate.

Where a spouse having children or descendants (either legitimate or legitimated by subsequent marriage or adopted) has contracted a second or subsequent marriage, such spouse cannot bequeath to his last wife or her last husband or to any of the children of the second or subsequent marriage, more than that which the least favoured of the children of any former marriage will receive.

The portion left to the surviving spouse is subject to the expenses of the last illness and to the funeral expenses of the spouse which has enjoyed such portion. Furthermore, the court may, in order to provide for his or her maintenance, authorise the surviving spouse to hypothecate or alienate this portion in whole or in part. The surviving spouse is entitled to the right of habitation in the matrimonial home, where such tenement is held in full ownership or emphyteusis by the deceased spouse either alone or jointly with the surviving spouse. This right is not limited on the grounds that following the death of the predeceased spouse, the surviving spouse requires a lesser part of the tenement. This right of habitation ceases on the remarriage of the surviving spouse.

On failure of children or descendants, the surviving spouse is entitled to one-fourth part of the estate in full ownership. However, the other spouse may leave the surviving spouse even up to full ownership of all his/her estate subject to any rights of succession claimed by other relatives. These rights may be forfeited by the surviving spouse as a result of certain grounds such as separation, disherison or unworthiness.

Maltese law provides for legitim which is a portion of the property of the deceased in favour of the descendants, and if there are no descendants, to the ascendants of the deceased. The legitim is due in full ownership and it is not lawful for the testator to encumber it with any burden or condition. The legitim is computed on the whole estate after deducting the debts due by the estate and the expenses incurred in connection with the funeral of the deceased. The law also provides for disinheritance of descendant.

The persons entitled by law to a legitim may be deprived thereof by a specific declaration of the testator on any of the grounds as a result of which a person may be disinherited, which grounds must be stated in the will, such as, where a descendant has, without reason, refused maintenance to the testator, or where the descendant has struck the testator or has otherwise been guilty of cruelty towards him.

Illegitimate children acknowledged in the act of birth, or in any other public deed, whether before or after their birth, or legitimated by a decree of the competent Court, are also entitled to a legitim, but the portion is smaller than that to which legitimate children are entitled. The same rules of disherison apply also to illegitimate children.

Where there is no valid will or where the testator has not disposed of the whole of his estate, or where the heirs-institute are unwilling or unable to accept the inheritance, or where the right of accretion among the co-heirs does not arise, intestate succession takes place, wholly or in part, by operation of the law. Intestate succession is granted in favour of the descendants, ascendants, collateral relatives, illegitimate children and the spouse of the deceased. In the absence of the above, succession is vested in the Government of Malta.

Children or their descendants succeed to their father and mother or other descendants, without distinction of sex, and whether they are the issue of the same marriage or of different marriages.

If there are descendants, the surviving spouse is entitled to the usufruct of one-half part of the estate and to the right of habitation in the matrimonial home. Furthermore, the court may authorise the surviving spouse, in order to provide for his/her maintenance, to hypothecate or alienate this portion wholly, or in part.

If the deceased is survived by illegitimate children, legitimated or acknowledged, the surviving spouse is entitled to a third-part of the estate in full ownership. If the deceased is not survived by illegitimate children but is survived by ascendants, brothers, sisters or their descendants, the surviving spouse is entitled to one half of the property of the deceased in full ownership. In both cases the surviving spouse has the right of habitation on the property of the deceased spouse.

On failure of all the above-mentioned persons the surviving spouse is entitled to the whole of the inheritance after deducting therefrom such portion as may be competent to illegitimate children not legitimated nor acknowledged. However, such rights are not competent to the surviving spouse if, at the time of the death of the deceased party, the spouses were legally separated and the surviving spouse had forfeited such rights according to law.

Thus, it is clear that Maltese legislation does not distinguish between widows and widowers, sons and daughters. The only difference in treatment is that between legitimate and illegitimate children.

16.19 Violence against Women

Maltese law has no provisions dealing specifically with physical and sexual violence against wives and live-in companions. The sections prohibiting any form

of violence are found in the Criminal Code and apply to all persons irrespective of their sex.

In the case of crimes against the person, such as homicide, grievous bodily harm and slight bodily harm, the punishment is increased by one degree if the harm is committed on the person of the husband or of the wife.

Under Maltese law it is a criminal offence to procure miscarriage.

If the means used cause the death of the woman or cause a serious injury to her person whether the miscarriage has taken place or not, the offender is liable to the punishment applicable to homicide or bodily harm diminished by one to three degrees.

Since the law uses the term "whoever", even the husband is liable to the same punishment if he is the offender.

A distinction is made in Criminal Code when bodily harm is inflicted on a pregnant woman and is the cause of miscarriage. Although such a consequence is not intended, it is considered to be more serious and consequently is subjected to a much higher punishment than other forms of bodily harm. In this case, the grievous bodily harm is punishable with imprisonment for a term from nine months to nine years. If the grievous bodily harm hastens delivery but does not procure miscarriage the offence is punishable with imprisonment for a term from three months to three years.

At the very inception of proceedings for personal separation, the Code of Organisation and Civil Procedure, gives power to the spouse who is a victim of abuse, to request the Court to order the abuser to leave the matrimonial home.

In Malta, a number of major structures have been set up to address and prevent violence against women. An Action Team on Violence against Women was set up in 1991 within the Ministry for Social Policy to investigate and assess the incidence of the problem and report thereon. Additionally, this team was directed to develop short and long term programmes which would integrate government and voluntary action to counteract domestic violence and other abuses such as rape and sexual harassment. The Action Team was made up of representatives from key Government departments and representatives from voluntary organisations and trade unions. In February 1992, the Action Team presented the Minister for Social Policy with a report and a plan of action.

The recommendations emphasised preventive measures, specific remedies, legal reforms as well as the strengthening of structures in government departments in order to have an integrated approach to violence against women. The implementation of the integrated approach is carried out by the agency APPOGG formerly known as Social Welfare Development Programme (SWDP) that was established in 1994 as a public agency within the Foundation for Social Welfare Services (FSWS) under the Ministry for Social Policy. APPOGG works among and for those persons who are distressed, vulnerable or poor. It also provides service development assistance to Ministries and other agencies involved in social work and social welfare delivery. The agencies include amongst others Child Protective Services Unit, Support Line 179 and the Community Development Unit, a Domestic Violence Unit.

The Plan of Action recommended that specific remedies should include: crisis intervention and rehabilitation; improving the current shelter facilities; the setting up of a special police squad; the provision of information, medical assistance, counselling, telephone help-line; the hastening of procedures to provide financial help for battered women; the training and job placement of survivors of violence.

The plans put forward regarding legal reform included:

i. protection orders served on perpetrators to vacate the house and not molest the survivor. Eviction of the perpetrator would follow if order was not respected;
ii. marital rape to be expressly considered a crime;
iii. restrictions on the liberty of the perpetrator accused of serious domestic violence and who has been granted bail;
iv. immediate imposition of restrictions on the behaviour of the perpetrator to safeguard the survivor before judgement is passed.

Although the general rule is that court proceedings are to be public, nevertheless the court may hold its sitting behind closed doors in cases where it is of the opinion that the proceedings, if conducted in public, might be offensive to morality or might cause scandals.

Following the lapse of the terms of reference of the Action Team, the Inter-Agency Forum on Violence Against Women was set up in 1994, within the Ministry for Social Development, primarily to negotiate the provision of required services.

As a result, specialised social-work services in the areas of violence against women and child-protection were developed. Two specialised units were established: the Domestic Violence Unit and the Child Protection Unit.

The Domestic Violence Unit (DVU) supports and empowers victims of abuse, helps them find shelter when it is requested, links them to other necessary services, and where possible. It also provides Men's Services to, aids perpetrators by learning ways that control their violent behaviour. The Unit is also committed towards the prevention of violence through education and media, as it provides capacity building and advisory services.

The Domestic Violence Unit has set up two support groups for abused women. It also launched a support line for adults and children, victims of abuse. The support line is state funded and is run by trained volunteers under the supervision of social workers.

The Domestic Violence Unit and NGOs working on violence against women use various media to educate the public on domestic violence and to create awareness on the cause and effects of violence against women. Members of the Domestic Violence Unit accept requests for public lecturers and training sessions on the offence of domestic violence organised by locally based groups and national organisations. These members have also participated as lecturers, in courses on domestic violence for police officers following a degree course in criminology, at the Institute of Forensic Studies, University of Malta.

The Domestic Violence Unit has formulated guidelines for professionals, that is, the police, doctors, lawyers, clergy, teachers, social workers and counsellors to create

awareness regarding the problem of violence and to offer proposals on action to be taken.

In 1993, the Police Victim Support Section, within the vice squad, was set up. The Section is composed mainly of female police officers, and its main task is the investigation of cases of domestic violence referred by the district police station. The police are pro-active in their approach, supporting the victim and moving for prosecution of offenders.

In June 1997, two officers from the London Metropolitan Police visited Malta in order to lecture the staff of the Domestic Violence Unit and newly-appointed police inspectors on domestic violence.

The government currently subsidises a shelter run by a religious female order offering temporary refuge to battered women and their children under ten years of age. Children over ten years of age are relocated in institutes. The Domestic Violence Unit supports the staff of the shelter and have helped them raise the standard of residential services. The women residing at the Shelter are assessed prior to admittance, and on their discharge from the shelter, their cases are followed up by the Domestic Violence Unit social workers. A second-stage shelter, where women and their children may reside for a long period of time has been set up. The government also subsidises this service and under the portfolio of APPOGG established a new shelter service in 2000 according to the recommendations of an evaluation carried out in 1999 by the Ministry for Social Policy.

Financial assistance in the form of a weekly allowance and emergency funds are provided to help women meet emergency expenses following desertion from home. When a battered woman files for legal separation, she is granted possibility to apply for social security benefits.

The health authorities, namely, medical practitioners, are obliged by law to report all cases of serious injuries which they may encounter, such as, fractures, injuries to internal organs and disfigurement. Medical certificates are routinely requested by the police in the course of their investigations. The police are often the first to receive reports of violence and in some cases grievous injuries proceedings are taken *ex officio* by the Police independent of the victim's consent.

In Malta legal aid is available to all persons, including abused women, who have limited financial resources.

Recent statistical data show that the Domestic Violence Unit received 26 new referrals, and had 5 cases re-opened during the month of January 2001. During February 2001 the Unit received 21 new referrals and 13 cases re-opened. The caseload as of January and February 2001 (Table 16.3).

In the meantime, the Government is in the process of finalising its legislation on Domestic Violence.

16.20 Rape

Section 198 of the Criminal Code deals with the offence of rape.

In a 1977 case, Republic of Malta vs Lawrence Chalmers, the Court held that a prostitute is entitled to the same legal protection afforded to other women. There is nothing precluding a prostitute from having several relationships. However, if she is forced into a carnal connection, the perpetrator is guilty of rape.

The Maltese Criminal Code makes no special provision for rape and violent indecent assault within marriage. No such cases have, to date, been reported. As a rule, with respect to substantive criminal law, Maltese courts, follow Italian case-law and writings of jurists.

16.21 Prostitution

Furthermore, Section 197 of the Criminal Code provides that any husband who compels or induces his wife, who is under age, to prostitution, is liable to imprisonment for a term from 3 to 6 years with or without solitary confinement. If the wife has reached the age of consent, the husband is liable to a lesser punishment amounting to one to four years.

A conviction under this section entails the forfeiture of every authority and right granted to the offender over the person or property of the victim.

Prostitution is also covered by the White Slave Traffic (Suppression) Ordinance which aims at suppressing the traffic of prostitutes. The law provides that whosoever, in order to gratify the lust of any other person, compels or induces a woman over age or induces or encourages or facilitates a girl under age of consent to leave Malta for purposes of prostitution elsewhere, shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without solitary confinement. The punishment is aggravated under certain specified circumstances. Again, the detention of a woman or girl against her will in a brothel or other premises used for the purposes of habitual prostitution, even if she may have resorted to such place of her own free will, shall be liable, on conviction, to imprisonment for a term not exceeding two years unless a higher punishment is applicable under any other law. Under this Ordinance, proceedings are taken *ex officio* by the police without the necessity of any private complaint.

Furthermore, any person who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person, is liable, on conviction, to imprisonment for a term not exceeding two years. Until the contrary is proved, a person is deemed to be knowingly living wholly or in part, on the earnings of prostitution, if it is shown that he lives with, or is habitually in the company of, a woman practising prostitution or has exercised control, direction or influence over the movements of that woman in any manner which show that he is aiding, abetting or compelling the prostitution of the person with any other person generally.

16.22 Family Planning

Although Malta does not have a national policy concerning family planning, women and men have access to information and services for family planning from the Cana Movement that is a church organisation.

In 1999, the fertility rate stood at 11.4 per 1000 women of child-bearing age. The crude birth rate for 1999 shows a decline when compared to figures for the previous years. The highest ever recorded crude birth rate was of 39.3 in 1944. By 1980 the

figure had already been reduced by more than half (17.6) whereas the rate for 1999 shows a further decline (Table 16.4).

The number of single mothers is on the increase. Illegitimate births for 1998 amounted to 8% of total births. The highest number of illegitimate persons are born to young women under 24 years of age (Table 16.5).

On a governmental level, information, counselling and continuous support are provided through the education system, the Health Division, and the Child and Family Services Department.

The Education Division offers:

- a guidance and counselling programme;
- a schoolgirl-mothers programme providing pre and post natal counselling and support;
- a social work programme.

Sex education forms part of Catholic religious teaching that is done in most schools. Sex education has also been the onus of the Guidance and Counselling service provided in secondary schools. Seminars and workshops on sex education are regularly organised by the Education Division.

The Education Division collaborates with the Health Promotion Department in distributing information and raising awareness on sex education. Information on sexually transmitted diseases, especially AIDS, is provided in schools as part of the Personal and Social Education Programme. The Health Promotion Department also provides information on sexually transmitted diseases, and supplies speakers and literature for information programmes targeting students.

The Child and Family Services Department offers support services to women and adolescents, on sexuality and such related problems. Information and assistance are provided by qualified social workers and practitioners mainly, doctors and psychologists. The service includes information on sexuality, contraception, modes of behaviour and risks involved, in related diseases. Counselling is given to would-be-mothers, especially unmarried women, during pregnancy and after child birth.

The Education Division runs a service for pregnant girls who are within the compulsory school age of up to sixteen years.

16.23 Contraception

Contraception is readily and easily available. Access to gynaecologists or general practitioners is easy. However, the Health Division is aware that young women turn to protected sex only after they become sexually active or when a problem arises.

16.24 Abortion

Procuring abortion is a criminal offence. Thus the government of Malta does not consider itself bound by sub-paragraph (e) of paragraph (1) of Article 16 of the UN Convention on the Elimination of All Forms of Discrimination Against Women, in

so far as the same may be interpreted as imposing an obligation on Malta to legalise abortion.

16.25 The Cana Movement

The Cana Movement is a lay organisation, established in 1956 to provide for the needs of Maltese families. It works on a national and district level and the services it provides are accessible. The Cana Movement has one central office and six district centres.

The Cana Movement is state subsidised. However, it relies on fund-raising for its activities. Its services are generally free of charge; and recourse to the services is protected by confidentiality.

The Cana Movement aims to help people prepare for marriage, to help achieve and sustain successful marriages, and to support them if their marriage breaks down.

These aims are achieved through the education of youths and married couples, through advice on family planning as well as through counselling services both before and during marriage. The Movement organises various courses in preparation for marriage, and through its counselling service, it provides assistance to persons, whether married or not, on sexual, moral and legal issues.

The Cana Movement has been a pioneer in the field of family planning in Malta. It has placed the issue of family planning in context of traditional and cultural values and changing life-styles. Family planning is presented under two aspects, namely, education in responsible parenthood and the practical teaching of family planning methods. Family planning is imparted both in marriage preparation courses, in counselling and in special courses dealing with natural family planning.

ANNEX A

Article 1

1) **Until the expiration of a period of two years commencing on the 1 July 1991, nothing contained in any law made before the 1 July 1991, shall be held to be inconsistent with the provisions of this Article, in so far as that law provides for different treatment to different persons attributable wholly or mainly to their respective description by sex.**

2) **Whereas every person in Malta is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:**

   a) **life, liberty, security of the person, the enjoyment of property and the protection of the law;**
   b) **freedom of conscience, of expression and of peaceful assembly and association; and**
   c) **respect for his private and family life, the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.**

3) Section 14 of the Constitution reads:
The state shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise; the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.

4) Section 21 lays down that:
The provisions of this Chapter shall not be enforceable in any court, but the principles therein contained are nevertheless fundamental to the governance of the country and it shall be the aim of the State to apply these principles in making laws.

5) Section 14 of the European Convention Act, 1987 provides that:
The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

6) **Any person who shows favour to, or uses discrimination against, any person for employment with any employer referred to in subsection (1) hereof on the grounds of race, colour, sex, creed, or on the grounds of his**

party or other political beliefs or associations shall be guilty of an offence against this Act.

7) Section 18 of the above Act, defines maternity leave as:
absence from work because of pregnancy and confinement for an uninterrupted period of not more than thirteen weeks of leave with payment of full wages, five of which follow the date of confinement.

8) Section 8(1) in the Occupational Health and Safety (Promotion) Act, 1994, states:
A pregnant worker shall be entitled to one week's special leave which shall be utilised immediately preceding or immediately following the maternity leave to which she is otherwise entitled by virtue of Article 18 of the Conditions of Emplyment (Regulation) Act, 1952.

9) **No pregnant worker, mother or breastfeeding worker shall be required by any employee to perform in any night work if the worker concerned submits to the employee a medical certificate which states that night work can have harmful effects on the pregnancy or on the mother, or on the child as the case may be** (Section 7(1)).

10) The Education Act (Chapter 327 of the Laws of Malta) states:
It is the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means (Section 3).

11) Sub-section 26 states that:
Public officers should not harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other convictions/allegiances when dealing with their colleagues and members of the public.

12) Section 2(2)(a) states that:
It is the duty of an employer of any person to ensure that the work place is free from any unnecessary hazards to health and from avoidable dangers to the physical and psychological integrity of workers.

13) Section 13 of the Act prescribes the Ombudsman's functions as follows:

- The Ombudsman may investigate any action taken by or on behalf of the government, or other authority, body or person to whom the Act applies, being action taken in the exercise of their administrative functions, either because a complaint is addressed to him, or on his own initiative.
- The Ombudsman may decline to exercise this power in any case where adequate means of redress are, or have been, available to the complainant under any other law, unless he considers that it is not reasonable to expect the complainant to resort to such means of redress.
- Any Committee of the House of Representatives may refer to the Ombudsman any petition that is before it, or any other matter to which the petition relates. The Ombudsman investigates and reports on such matters, so far as they are within his jurisdiction.

- The Prime Minister may refer matters to the Ombudsman for investigation and report, other than a matter, which is subject to judicial proceeding.

The Ombudsman's jurisdiction extends to the under-mentioned Public Authorities and Officials: -

- the Government, including any government department or other authority of the Government, any Minister or Parliamentary Secretary, any public officer and any member or employee of a public authority;
- any statutory body and any partnership or other body in which the Government has a controlling interest or over which it has effective control, including any director, member, manager or other officer of such body or partnership, or of its controlling body; and,
- Local Councils and their committees, mayors, councillors and staff.

Article 2

1) **The State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise; the State shall, in particular, aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.**

2) 45(3) - **In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed *or sex* whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.**

3) Section 15(6)(b) of the said Act states that:
Any person who shows favour to, or uses discrimination against, any person for employment with any employer referred to in subsection (1) hereof on the grounds of race, colour, sex, creed, or on the ground of his party or other political beliefs or association shall be guilty of an offence against this Act.

4) Section 3(2)(a) thereof states that:
It is the duty of an employer of any person to ensure that the work place is free from any unnecessary hazards to health and from avoidable dangers to the physical and psychological integrity of workers.

This principle is also contained in Section 9(1)(b) of the Act which lays down that:
It shall be the duty in general of the employer to ensure that all reasonable measures and precautions have been taken so that the work environment in work places under his control is reasonably favourable to health and free from avoidable physical or psychological stress.

5) Section 36(17) of the same Act states that:
A whole-time female employee shall not be dismissed by the employer during the period of her maternity leave or the period of five weeks following the end of such leave in which she is incapable for work owing to a pathological condition arising out of confinement.

6) According to Section 28 of the Act, the Industrial Tribunal shall have:
the exclusive jurisdiction to consider and decide all cases of alleged unfair dismissals for all purposes other than proceedings in respect of an offence against any enactment, and the remedy of a worker so dismissed for breach of his right not to be unfairly dismissed ...

7) **1) A husband who, on surprising in the act of adultery his wife and the adulterer, shall kill or cause a bodily harm on both or either of them flagrant delicto, shall, on conviction, be liable -**
a) in the case of homicide, to imprisonment for a term from one to six months;
b) in the case of grievous bodily harm, to imprisonment for a term from three to twenty days.

2) No proceedings shall be taken where the bodily harm is slight.

3) The provisions of this section shall not apply where the husband has acted as the pander of the wife, or has encouraged, instigated, facilitated or connived at her prostitution.

8) Section F (26) of the Code of Ethics, dealing with Personal and Professional Behaviour, states that:
Public officers should not harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other convictions/allegiances when dealing with their colleagues and members of the public.

9) The proviso to Section 470 states:
Provided that in the application for leave to sue for personal separation at a subsequent date but prior to the commencement of proceedings before the court of contentious jurisdiction, a demand may be made for determining the amount of an allowance for maintenance during the pendency of the proceedings before the court of voluntary jurisdiction and the court of contentious jurisdiction and for the issue of a decree ordering the payment of such allowance or a demand for the court to determine by decree who of the spouses, if any, shall during the pendency of the proceedings continue to reside in the matrimonial home.

Article 3

1) As stated in Article 3(1) of the regulations,
No pregnant worker, mother or breasfeeding worker shall be required by any employer to perform any work which may endanger her health

and safety, the safety or viability of her pregnancy or the health of her child, as the case may be.

2) In support of this article, Section 10(1) of the regulations states that:
It shall be unlawful for an employer to dismiss a worker during the period from the beginning of her pregnancy to the end of her maternity leave.

Article 4

1) Section 45(ii) of the Constitution of Malta states that:
Nothing in the provision of this section shall apply to any law or anything done under the authority of a law, or to any procedure or arrangement, in so far as such law, thing done, procedure or arrangement provides for the taking of special measures aimed at accelerating *de facto* equality between women and men, and in so far as only such measures, taking into account the social fabric of Malta, are shown to be reasonably justifiable in a democratic society.

2) Other publications by the Commission for the Advancement of Women include the following:

- *Proceedings of the Seminar on the Technical Education and Training of Maltese Women* (1989, Maltese version)
- *A Study on Sexism in Maltese Primary School Textbooks* (1989, Maltese version)
- *Proceedings of the Seminar on Women Factory Workers* (1990, Maltese version)
- *Report on Women Workers in Industrial Estates* (1992, Maltese version)
- *The Family Law, a Brief Explanation of the Bill amending the Civil Code* (1993, English and Maltese version)
- *Equal Partners in Marriage, Amendments to the Civil Code Regarding the Family* (1993, English and Maltese version)
- *Proceedings of the Seminar on Women and the Media* (1994, Maltese version)
- 3 booklets on – *the Period, the Menopause, Hysterectomy* (1995, Maltese version)
- *The National Report on Maltese Women* (1995, English version)
- *Implementation of Platform for Action – Post-Beijing* (1996, English version)
- *Programme for Action 1997 – 2000* (1996, Maltese version)
- *Gender Trends in Malta – A Statistical Profile* (1996, English version)

- *Handbook on Gender Awareness for PSE Teachers – Towards Equality between Women and Men* (1998, Maltese version)
- *Gender Issues and Statistics: Proceedings of a Workshop organised by the Central Office of Statistics in collaboration with the Department for Women in Society* (1999, English version)
- *Women and Men in the Maltese Islands: Statistics from the Census of Population and Housing* (1999, English version)
- *On the Tenth Anniversary of the Setting up of the Commission for the Advancement of Women* (1999, English and Maltese version)
- *Leaflet: Gender Equality and Family friendly Measures in the Maltese Public Service* (2000, English and Maltese version)
- *Gender Mainstreaming in the Malta Public Service* (2001, English version)
- *Values of Women and Men in the Maltese Islands – A Comparative European Perspective* (2000, English version)
- *A Day In Her Life: insights into the social and economic contribution of Maltese women* (2001, English version)
- *Gender Equality and Family-Friendly Measures in the Maltese Public Service* (2001, English and Maltese versions)
- *Annual Reports, 1991 – 2000* (English and Maltese versions)
- *Women's Welfare in Society* (2002, English version)

Article 5

1) Section 214 of the Criminal Code lays down that:
whosoever without intent to kill or to put the life of any person in manifest jeopardy, shall cause harm to the body or health of another person, or shall cause to such other person a mental derangement, shall be guilty of bodily harm.

Article 7

1) Cap. 11(14) of the Constitution of Malta states that:
The State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes ...

Article 9

1) **The minor child of any citizen of Malta may be granted a certificate of naturalisation as a citizen of Malta upon application made in the prescribed manner by the person who according to law has authority over him.**

2) Section 135 of the Civil Code states:
The parents shall jointly represent their children, whether born or to be born, in all civil matters.

Article 10

1) **It is the right of every citizen to receive proper education and instruction without any distinction of age, sex, belief or economic means** (Education Act, 1998, Section 1).

2) **No person may exercise the profession of a teacher in a school and receive remuneration thereof without a warrant from the Minister** (Education Act, 1988, Section 9).

Article 11

1) Section 14, provides that:
The State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil, and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise.

Section 45(1) of the Constitution states that:
No law shall make any provision that is discriminatory either of itself or in its effect.

Section 45(2) then goes on to stipulate that:
No person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

2) Article 14 of Act XIV provides that:
The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion or social origin, association with a national minority, property, birth or other status.

3) Section 110(1) of the Constitution states that:
Power to make appointments to public officers and to remove and to exercise disciplinary control over persons holding or acting in any such officers, shall vest in the Prime Minister, acting on the recommendation of the Public Service Commission.

4) Section 15(6)(b) of the Employment and Training Services Act provides that:
Any person who shows favour to, or uses discrimination against, any person for employment with any employer ... on the grounds of race, colour, sex, creed, or on the ground of his party or other political beliefs or associations shall be guilty of an offence against this Act.

5) Section 2(2)(a) provides that:
It is the duty of an employer of any person to ensure that the work place is free from any unnecessary hazards to health and from avoidable dangers to the physical and psychological integrity of works.

6) Section F, dealing with Personal and Professional Behaviour, in Section 26 *inter alia* states that:
Public officers should not harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other convictions/allegiances when dealing with their colleagues and members of the public.

7) Wage Councils which fall under the Employment and Relations Act, 2002 are as follows:
Agriculture and Allied Industries; Beverages Industries; Canning Industries; Cargo Clearance and Forwarding Agents (Burdnara); Cinemas and Theatres; Clay and Glass Products; Construction; Domestic Workers; Electronics; Food Manufacture Industry; Hire (Cars and Private Buses); Hospitals and Clinics; Hotels and Clubs; Jewellery and Watches; Laundries; Leather Goods and Shoes Industry; Paper, Plastics, Chemicals and Petroleum; Printing and Publishing; Private Cleaning Services; Private Schools; Private Security Services; Professional Officers; Public Transport; Seamen; Sextons and Custodians; Textiles and Allied Industries; Tobacco Industry; Transport Equipment, Metal and Allied Industries; Travel and Insurance Agencies; Wholesale and Retail; Woodworks.

Article 12

1) As stated in Article 3(1) of the regulations,
No pregnant worker, mother or breastfeeding worker shall be required by any employer to perform any work which may endanger her health and safety, the safety or viability of her pregnancy or the health of her child, as the case may be.

2) In support of this Article 10(1) of the regualtions states that:
It shall be unlawful for an employer to dismiss a worker during the period from the beginning of her pregnancy to the end of her maternity leave.

3) This Act provides that:
It is the duty of an employer of any person to ensure that the work place is free from any unnecessary hazards to health and from available dangers to the physical and psychological integrity of workers.

Article 13

1) Article 6(1)(a) of the Social Security Act, 1987 states that **a person who is not an employed person shall also not be deemed to be a self-employed person or a self-occupied person if such person is a married woman whose husband has not abandoned her.**

Article 15

1) Section 14 states that:
The state shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise; the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.

2) Section 32 in the Constitution of Malta provide that:
Whereas every person in Malta is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect to the rights and freedoms of others and for the public interest to each and all of the following, namely –
(a) life, liberty, security of the person, the enjoyment of property and protection of the law;
(b) freedom of Conscience, of expression and of peaceful assembly and association; and,
(c) respect for his private and family life.

3) **Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.**

4) In relation to the above mentioned Section 45(1), Section 124 defines 'law' as **any instrumental having the force of law or any written rule of law,** and the term 'discriminatory' as **affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.**

Also, Section 45(2) of the Constitution further provides that:
... no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

5) However, the provisions of Section 149 of the Civil Code lay down that:
Notwithstanding any other provision of this Code, the Court may, upon good cause being shown, give such directions as regards the person or

the property of the minor as it may deem appropriate in the best interests of the child.

6) Section 75 of Act XXI, amending Section 1238(1) of the Civil Code, provides that:
It shall not be lawful for the future spouses to enter into any agreement whereby either of them is established as head of the family, or into any agreement in derogation of any of the rights deriving from parental authority, or of the provisions of law relating minority, or of any prohibitory rule of law.

Section 135 states that:
The parents jointly represent their children, whether born or to be born, in all civil matters.

7) Legal Notice 131 of 1993, Section 3(3) says that:
Children under eighteen years of age shall not be granted passport facilities without the written consent of both their father and their mother or, if both the father and the mother are dead, of their tutor/tutoress or curator/curatrix.

Article 16

1) Section 19(1) of the Marriage Act states that: **In addition to the cases in which a marriage is void in accordance with any other provision of this Act, a marriage shall be void:**
   a. **if the consent of either of the parties is extorted by violence whether physical or moral or fear;**
   b. **if the consent of either of the parties is excluded by error on the identity of the other party;**
   c. **if the consent of either of the parties is extorted by fraud about some quality of the other party which could of its nature seriously disrupt matrimonial life;**
   d. **if the consent of either of the parties is vitiated by a serious defect of discretion of judgement on the matrimonial life, or on its essential rights and duties, or by a serious psychological anomaly which makes it impossible for that party to fulfil the essential obligations of marriage;**
   e. **if either of the parties is impotent, whether such impotence is absolute or relative, but only if such impotence is antecedent to the marriage;**
   f. **if the consent of either of the parties is vitiated by the positive exclusion of marriage itself, or if any one or more of the essential elements of matrimonial life or of the right to the conjugal act;**
   g. **if either of the parties subjects his or her consent to a condition referring to the future;**
   h. **if either of the parties, although not interdicted or infirm of mind, did not have at the time of contracting marriage, even on account of a transient cause, sufficient powers of intellect or volition to elicit matrimonial consent.**

2) Section 196 of the Criminal Code states that: **A husband or wife who, during the subsistence of a lawful marriage, contracts a second marriage, shall on conviction be liable to imprisonment for a term from thirteen months to four years.**

3) Section 21 of the Marriage Act of 1975, provides that: **a decision of a foreign court on the status of a married person or effecting such status shall be recognised for all purposes of law in Malta if the decision is given by a competent court of the country in which either of the parties to the proceedings is domiciled or of which either of such parties is a citizen.**

4) The damages which can be recovered are those damages and expenses incurred and include moral damages defined as: **a reasonable sum of money in compensation for the injury suffered, as to the court in its discretion, having regard to the character and a station in life of the parties as well as to all other circumstances of the case ...** (Art 3(2) Promises of Marriage Law, 1834).

5) Article 90(1) Civil Code: **The parent who has acknowledged an illegitimate child shall have in regard to him all the rights of parental authority other than the legal usufruct.**

Article 90(2): **If the interests of the child so require, the court may order that only one of the parents shall exercise the rights of parental authority; the court may also restrict the exercise of these rights and, in serious cases, exclude both parents from the exercise of these rights.**

Article 93(1): **The father is bound to maintain and educate, according to his means, the illegitimate child whom he acknowledged, and, even afterwards, to supply maintenance to such child, in case of need, provided such child has no husband or wife or descendants in a position to supply such maintenance.**

Article 93(2): **The father is under a like liability in regard to the legitimate descendants of the predeceased illegitimate son or daughter, if their surviving parent or their legitimate ascendants are unable to privide for them.**

Article 95: **The mother, even though she has not acknowledged the child, shall have the same obligations and rights as the father who has acknowledged the child.**

Article 96: **The parent, whether he or she has acknowledged the child or not, may deny maintenance if such child refuses, without just cause, to follow the directions of the parent in regard to his conduct and education.**

6) *Paraphernal property* of the husband or of the wife, property owned before marriage, property which either of them inherit before or after the date of marriage, and property coming to them by way of donation before or after the date of marriage;

Property acquired (including all movable, immovable, whether purchased, taken on title of emphyteusis, and all income derived from such property) by the husband or the wife from the date of marriage until its termination, other than paraphernal property.

7) The grounds on which a descendant may be disinherited are the following only:

a) if the descendant has without reason refused maintenance to the testator;

b) if, where the testator has become insane, the descendant has abandoned him without in any manner providing for his care;

c) if, where the descendant could release the testator from prison, he has without reasonable ground failed to do so;

d) if the descendant has struck the testator, or has otherwise been guilty of cruelty towards him;

e) if the descendant has been guilty of grievous injury against the testator;

f) if, in the case of a son or daughter or other descendant, he or she publicly prostitutes himself or herself without the connivance of the testator;

g) in any case in which the testator, by reason of the marriage of the descendant , shall have been, under the provisions of Sub-title II of Title I of Book First of this code, declared free from the obligation of supplying maintenance to such descendant.

8) Section 241 in the Criminal Code provides that: **Whosoever by any food, drink, medicine or by violence, or by any other means whatsoever, causes the miscarriage of any woman with child whether the woman be consenting or not, shall on conviction be liable to imprisonment for a term from eighteen months to three years.**

9) **Whosoever shall, by violence, have carnal knowledge of a person of either sex, shall, on conviction, be liable to imprisonment for a term from three to nine years, with or without solitary confinement.**

10) Other services offered by the Cana Movement include:

- education and information on human sexuality. This is offered to 90 per cent of all engaged couples who attend marriage preparation courses each year;
- counselling for persons or couples with difficult relationships, sexual or reproductive problems;
- support for pregnant unmarried women;
- parenting skills;
- play groups for young children;
- support for single parents, particularly widows and persons who are legally separated form their spouses or whose marriage has been annulled.

ANNEXE B

Article 3

Table 3.1
Recommended students by maturity - Intake 1999

Course	Male	Female	Total
B Com	3	2	5
B Communications	1	0	1
B ED (HONS)	1	7	8
B Eng. (HONS)	5	0	5
B Psych	5	3	8
B SC (Hons)	1	0	1
B SC (Hons) Env Health	1	0	1
B SC (Hons) IT	4	0	4
B SC (Hons) Med Lab Tech	1	1	2
B SC (Hons) Occup Therapy	1	0	1
BA	10	6	16
BA (Hons) Soc Admin/Work	0	3	3
BA (Rel Stud)	1	3	4
BA Euro Stud	0	2	2
BA Legal	8	6	14
BE & A (Hons)	1	1	2
Cert IT Educ	1	7	8
Cert Nurse	1	9	10
Cert/Dip IT	13	3	16
Dip Agric	3	0	3
Dip Env Science	4	2	6
Dip Management	56	18	74
Dip Nurse	0	1	1
Dip Rel Stud	2	2	4
Dip Soc Stud (Gender and Development)	11	34	45
Dip Soc Stud (Ind Rel)	14	12	26
Dip Soc Stud (Occ Health and Safety)	17	2	19
Dip Social Work	1	7	8
Dip Youth	9	16	25
S Th B	1	0	1
Total	***176***	***147***	***323***

Source: *University of Malta.*

Article 4

Table 4.1
Committees, Boards, Commissions and Tribunals - End 2000

Ministry	No of Committees, Commissions, Boards & Tribunals	Total No of Members	Female Members %
Ministry of Health	19	187	30.5
Ministry of Education	64	459	29
Ministry for Social Policy	26	252	25.8
Ministry for Home Affairs	23	208	11.1
Ministry for Gozo	11	125	11.2
Ministry for Justice & Local Government	13	87	8
Office of the Prime Minister	13	65	13.8
Ministry of Foreign Affairs	6	65	12.3
Ministry for Transport & Communication	6	42	11.9
Ministry of Finance	18	85	10.6
Ministry of Economic Services	30	199	8.04
Ministry for the Environment	8	62	6.5
Ministry of Agriculture & Fisheries	10	90	5.6
Ministry for Tourism	7	74	9.5
Total	*254*	*2000*	*18.1*

Source: *Department for Women in Society, Ministry for Social Policy, Malta.*

Table 4.2
Category A, Government employees

	December 1997		December 1998		December 1999		December 2000	
	M	F	M	F	M	F	M	F
Chief Justice	1	0	1	0	1	0	1	0
Judge	15	0	16	0	16	0	16	0
Magistrate	13	3	12	4	11	4	12	4
Scale 1								
Attorney General	1	0	1	0	1	0	1	0
Permanent Secretary (Min of Finance)	1	0	1	0	1	0	1	0
Permanent Secretary (OPM)	1	0	1	0	1	0	1	0
Secretary to Cabinet	1	0	1	0	1	0	1	0
Scale 2								
Commissioner of Police	1	0	1	0	1	0	1	0
Officer in Grade 2	0	0	2	0	2	0	1	0

Permanent Secretary	11	0	9	0	12	0	13	0
Scale 3								
Ambassador	4	0	3	0	1	0	2	0
Chairman (Health)	0	0	4	0	4	0	7	0
Deputy Attorney General	0	0	0	0	1	0	1	0
Deputy Commissioner of Police	1	0	1	0	1	0	1	0
Director (Clinical)	5	0	4	0	4	0	4	0
Director (Dentistry)	1	0	1	0	1	0	1	0
Director General	7	0	9	1	11	1	17	1
Officer in Grade 3	3	0	1	0	1	0	0	0
Scale 4								
Assistant Attorney General	2	0	2	0	2	0	2	0
Assistant Commissioner of Police	7	0	7	0	7	0	6	0
Chief A&CE	0	0	5	0	14	0	4	0
Chief Electoral Commissioner	1	0	1	0	1	0	1	0
Chief Scientific Officer	2	0	0	0	0	0	2	0
Clerk, House of Representatives	1	0	1	0	1	0	1	0
Consultant	84	0	80	0	83	7	89	7
Director	60	5	60	5	73	7	88	6
Director (Forensic Science Lab)	1	0	1	0	1	0	1	0
Director (Nursing Services)	0	1	0	1	0	1	0	1
Director, Pharmaceutical Services	0	1	0	1	0	1	0	1
Officer in Grade 4	4	0	4	0	1	0	6	0
Principal Information Officer	1	0	1	0	1	0	1	0
Secretary to President	1	0	1	0	1	0	1	0
Senior Counsellor	0	0	2	0	2	0	0	0
Scale 5								
Assistant Director of Education	8	8	8	6	8	7	6	8
Assistant Director	0	0	0	0	0	0	108	5
Assistant Director (Pharmaceutical Services)	0	0	0	1	0	2	0	2
Assistant Registrar	1	0	4	1	3	1	2	1
Assistant Registrar (Land Registry)	0	0	0	0	0	1	0	1
Chief A&CE	6	0	3	0	7	0	4	0
Chief Economics Officer	3	0	2	0	2	0	1	0
Chief Engineer	1	0	1	0	2	0	4	0
Chief Inspector of Customs	2	0	2	0	1	0	2	0
Chief Notary to Government	1	0	1	0	1	0	1	0
Chief Operations Officer	0	0	1	0	1	0	1	0
Chief Scientific Officer	4	0	2	1	5	1	2	1
Deputy Director (ITS)	1	0	1	0	1	0	1	0
Director	12	1	13	1	12	1	5	1

First Cousellor	0	0	1	0	0	0	4	0
Manager, Health Inspectorate	1	0	0	0	1	0	1	0
Manager, Nursing Services	3	0	3	0	2	0	4	0
Notary to Government (Gozo)	0	1	0	1	0	1	0	1
Officer in Grade 5	43	0	34	0	31	0	16	4
Principal Medical Officer	11	0	7	1	6	5	5	8
Professional Officer IIIA (IT)	3	0	3	0	2	0	1	0
Project Manager (IT)	1	0	1	0	1	0	1	0
Senior Air Traffic Control Officer	0	0	1	0	1	0	1	0
Senior Counsel	3	0	2	0	3	0	3	0
Senior Registrar	53	0	43	1	48	8	42	12
Sports Officer II	4	0	4	0	4	0	4	0
Superintendent of Police	12	0	9	0	8	0	23	0
Total	***403***	***20***	***350***	***25***	***408***	***48***	***525***	***64***
Percentage		***5%***		***7%***		***12%***		***12%***

Source: *Management and Personnel Office, Office of the Prime Minister, Malta.*

Article 5

Table 5.1
Top Civil Service Structure

	December 1998			December 1999			December 2000		
	Males	**Females**	**Total**	**Males**	**Females**	**Total**	**Males**	**Females**	**Total**
Permanent Secretaries	11	-	11	14	-	14	15	-	15
Directors General	9	1	10	11	1	12	17	1	18
Directors	66	7	73	79	9	88	94	8	102
Total	***86***	***8***	***94***	***104***	***10***	***114***	***126***	***9***	***135***

Source: *Management and Personnel Office, Office of the Prime Minister, Malta.*

Table 5.2
The Judiciary

	Dec 1999	Dec 1999	Dec 2000	Dec 2000
	Males	**Females**	**Males**	**Females**
Chief Justice	1	0	1	0
Judge	16	0	16	0
Magistrate	11	4	12	4

Source: *Department for Women in Society, Ministry for Social Policy, Malta.*

Article 7

Table 7.1

General election, candidatures

	1976		1981		1987		1992		1996		1998	
	No	%	No	%	No	%	No	%	No	%	No	%
Females	7	3.1	10	4.3	12	5	8	3.3	16	9.1	30	10.6
Males	219	96.9	221	65.7	230	95	238	96.7	159	90.9	252	89.4
Total	226	100	231	100	242	100	246	100	175	100	282	100

Source: *Electoral Office, Malta.*

Table 7.2
Women candidates and women elected to Parliament, 1947-1998

	Candidates			Parliamentarians			
Year	**Males**	**Females**	**Total**	**Males**	**Females**	**Total**	**% Females**
1947	122	2	124	39	1	40	2.5
1950	178	9	187	37	3	40	7.5
1951	124	7	130	36	4	40	10.0
1953	166	6	172	39	1	40	2.5
1955	135	7	142	39	1	40	2.5
1962	293	9	302	48	2	50	4.0
1966	259	5	264	48	2	50	2.5
1971	195	4	199	53	2	55	3.6
1976	164	7	171	63	2	65	3.1
1981	170	10	180	63	2	65	3.1
1987	164	9	173	67	2	69	2.9
1992	149	8	157	64	1	65	1.5
1996	159	16	175	65	4	69	5.7
1998	252	30	282	59	6	65	9.2

Source: *Schiavone, M.J. L-Elezzjonijiet f'Malta 1849 - 1992, Storja, Fatti, Ciffi*
The Electoral Office, Malta.

Table 7.3
Participation in Government

	1986		1987		1992		1996		1998	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Head of State	1	-	-	1	1	-	1	-	1	-
Speaker of the House of Representatives	1	-	1	-	1	-	-	1	1	-
Prime Minister	1	-	1	-	1	-	1	-	1	-
Ministers	11	1	14	-	13	-	14	-	12	1
Parliamentary Secretaries	-	-	2	-	8	-	4	1	5	-

Source: House of Representatives, Malta.

Table 7.4
General Elections 1998

	Contested	Elected
Males	252	59
Females	30	6
Total	282	65
% Females	10.64	9.23

Table 7.5
Local Council Elections

	1993/1994	1998	2001
Women	20	23	26
Men	120	117	114
Total	140	140	140
% Women	14.3	16.4	18.6

Article 8

Table 8.1
Women in Diplomatic Service, 1996-2000

	Ambassadors			Senior Counsellor			First Counsellor			Counsellor			First Secretary			Secondary Secretary		
Year	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
1996	21	0	21	-	-	-	2**	0	2	1***	0	1	13	5	18	13	12	25
1997	20	0	20	-	-	-	2**	0	2	1***	0	1	21	12	33	7	6	13
1998	12	0	12	2	0	2*	1	0	1	5	1	6	21	13	34	7	5	12
1999	29	0	29	2****	0	2	-	-	-	5	1	6	25	17	42	-	-	-
2000	30	0	30	-	-	-	4**	1	5	11	3	14	15	13	28	2	5	7

Source: *Human Resources Division, Ministry of Foreign Affairs, Malta.*

* these Senior Counsellors are included in the Ambassadors' List
** one of these First Counsellors is included in the Ambassador's List
*** this Counsellor is included in the Ambassador's list
**** one of these Senior Counsellors is included in the Ambassador's List

Article 10

Table 10.1
Students at University of Malta, by year and sex, 1998 - 2001

Academic Year	Males	Females	Total	% Females
1988/89	1,616	978	2,594	37.70
1989/90	1,665	1,126	2,791	41.41
1990/91	1,751	1,198	2,949	40.62
1991/92	1,855	1,615	3,470	46.54
1992/93	1,933	1,631	3,564	45.76
1993/94	2,146	2,009	4,155	48.35
1997/95	2,714	2,662	5,376	49.51
1995/96	2,925	3,029	5,954	50.87
1996/97	3,053	3,929	6,345	51.88
1997/98	3,414	3,538	6,952	50.89
1998/99	3,338	3,534	6,872	51.43
1999/00	3,511	3,864	7,375	52.40
2000/01	3,687	4,266	7,953	53.64

Source: *University of Malta, Malta.*

Table 10.2
Degrees, Diplomas, Certificates (University of Malta)

Year	Males	Females	Total	% Females
1995	648	642	1290	49.76
1996	695	663	1358	48.82
1997	865	855	1720	49.70
1998	779	912	1691	53.93
1999	958	1022	1980	51.62
2000	827	890	1,717	51.83

Source: *University of Malta, Malta.*

Table 10.3
Women in education – 2000

Nursery and Primary	21,450
Secondary-Post Secondary (General)	15,193
Secondary-Post Secondary (Vocational)	1,007
Junior College	1,431
University	4,140
University of the Third Age	612

Source: *News Release No. 18/2001, National Statistics Office, Malta.*

Table 10.4
Percentage distribution of the population (15 years and over) by highest educational level attained – 2000*

	Women			Men		
	Employed	Unemployed	Inactive	Employed	Unemployed	Inactive
Never attended school	0.0	0.0	3.2	0.4	1.0	4.8
Primary	8.6	11.9	45.9	18.8	22.3	47.3
Secondary	56.2	63.1	43.2	56.1	64.3	32.0
Post-Secondary	20.9	18.5	6.3	15.2	8.8	10.1
Tertiary	14.3	6.5	1.4	9.5	3.6	5.8
	100.0	100.0	100.0	100.0	100.0	100.0

* Estimated
Source: *News Release No. 18/2000, National Statistics Office, Malta.*

Article 11

Table 11.1
Labour supply distribution

	1999	2000
Labour Supply	145,901	147,700
Women	41,053	42,384
Men	104,848	105,316
Gainfully Occupied	138,206	141,117
Women	39,969	41,466
Men	98,237	99,651
Self-Employed	15,521	16,018
Women	1,989	2,132
Men	13,532	13,886
Registered Unemployed	7,695	6,583
Women	1,084	918
Men	6,611	5,665

Source: *National Statistics Office, Malta.*

Table 11.2
Registered unemployed

	1996	1997	1998	1999	2000
Men	5,180	6,047	6,430	6,611	5,665
Women	1,065	1,102	1,007	1,084	918
Total	6,245	7,149	7,437	7,695	6,583
% Women	17.1	15.4	13.5	14.1	14.0
% Labour Supply	4.4	5.0	5.1	5.3	4.5
Men	5.0	5.8	6.1	6.3	5.4
Women	2.8	2.8	2.5	2.6	2.2

Source: *News Release No. 9/2001, Central Office of Statistics, Malta.*

Table 11.3
Age structure of the registered unemployed

	1996	1997	1998	1999	2000
Total	6,245	7,149	7,437	7,695	6,583
Men	5,180	6,047	6,430	6,611	5,665
Women	1,065	1,102	1,007	1,084	918
by age distribution					
Under 30 years					
Total	2,505	2,897	2,898	3,013	2,550
Men	1,930	2,289	2,337	2,360	2,029
Women	575	608	561	653	521
30 – 49 years					
Total	3,002	3,342	3,565	3,574	3,000
Men	2,605	2,958	3,208	3,253	2,720
Women	397	384	357	321	280
50 years and over					

Source: *News Release 9/2001, Central Office of Statistics, Malta.*

Table 11.4
Senior grades in the Public Service, 2000

	December 2000		
	Males	Females	Total
Permanent Secretaries	15	-	15
Directors General	17	1	18
Directors	94	8	102

Source: *Management & Personnel Office, Office of the Prime Minister, Malta.*

Table 11.5
Women in management, 1994

	1994			
	Males	Females	Total	% Females
Employed in Management Posts	4,816	691	5,507	12.5
Self-Employed	2,516	906	3,422	26.5

Source: Camilleri F. (1996) Gender Trends in Malta - A Statistical Profile, Commission for the Advancement of Women

Table 11.6
Managerial grades - top 10 enterprises

	1994							
	No of Employees				Managers			
	Men	Women	Total	% Women	Men	Women	Total	% Women
1. Malta Drydocks	3,127	54	3,181	1.7	16	-	16	-
2. EneMalta Corp.	1,749	129	1,878	6.9	9	1	10	10
3. TeleMalta Corp.	1,525	167	1,692	9.9	6	4	10	40
4. Malta Shipbuilding	1,579	21	1,600	1.3	22	-	22	-
5. Air Malta Co. Ltd.	1,119	345	1,464	23.6	55	3	58	5.2
6. SGS Thomson Ltd.	832	581	1,413	41	15	-	15	-
7. Water Services Corp.	913	47	960	4.9	5	-	5	-
8. Dowty O Rings Ltd.	418	270	688	39	2	-	2	-
9. Simonds Farsons Cisk Ltd.	520	54	576	9.4	30	-	30	-
10. Brand International Ltd.	361	207	68	36	7	1	8	12.5

Source: *Camilleri F. (1996) Gender Trends in Malta - A Statistical Profile, Commission for the Advancement of Women.*

Table 11.7
Managerial grades, banking sector

	1994			
	Males	Females	Total	% Females
Central Bank	71	5	76	6.60
Bank of Valletta	193	22	215	10.23
Mid-Med Bank	209	31	240	12.91
Lombard Bank	23	1	24	4.16
A.P.S. Bank	7		7	
Lohombus Corp. Ltd.	8	1	9	11.11
Total	***511***	***60***	***571***	***10.50***

Source: *Camilleri F. (1996) Gender Trends in Malta - A Statistical Profile, Commission for the Advancement of Women*

Table 11.8
Trade Union Membership, June 2000 (Major Unions)

Trade Union	Males	Females	Total	% Females
General Workers Union (GWU)	39,211	9,057	48,218	19
Unjon Haddiema Maghqudin (UHM)	18,309	6,959	25,268	28
Movement of United Bank Employees	1,462	1,438	2,900	50
Malta Union of Teachers (MUT)	3,319	1,878	5,197	36

Table 11.9
Students (16 years +) engaged in post-secondary studies

Year	Total	Men	Women	% Women
March 1999	2,033	1,244	809	40

Source: *Education Statistics 1999, Central Office of Statistics, Malta*

Table 11.10
Students at University of Malta, by year and sex – 1999 - 2000

Academic Year	Males	Females	Total	% Females
1988/89	1,616	978	2,594	37.7
1989/90	1,665	1,126	2,791	41.41
1990/91	1,751	1,198	2,949	40.62
1991/92	1,855	1,615	3,470	46.54
1992/93	1,933	1,631	3,564	45.76
1993/94	2,146	2,009	4,155	48.35
1994/95	2,714	2,662	5,376	49.51
1995/96	2,925	3,029	5,954	50.87
1996/97	3,053	3,292	6,345	51.88
1997/98	3,414	3,538	6,952	50.89
1998/99	3,338	3,534	6,872	51.43
1999/00	3,511	3,864	7,375	52.40

Source: *Annual Report 1999, Department for Women in Society, Malta.*

Table 11.11
University student population by faculty and gender at the beginning of academic year

Faculty	1990-91			1991-92			1993-94			1995-96			1997-98		
	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total	Women	Men	Total
Arch./Civil Eng.	14	86	100	11	61	72	16	51	67	43	93	136	43	167	210
Arts	320	215	535	381	289	670	418	330	748	472	729	901	440	326	766
Dental Surg.	11	22	33	9	14	23	7	17	24	8	15	23	13	11	24
Econ. Man. Acc.	178	282	460	203	293	496	302	442	744	380	568	948	423	529	952
Education	346	214	560	361	188	549	628	325	953	846	454	1300	1023	525	1,557
Law	85	115	200	169	160	329	200	179	379	210	222	432	287	288	575
Mech. Elec. Eng.	36	305	341	24	259	283	15	271	286	22	288	310	30	205	235
Med. & Surgery	160	239	399	118	194	312	131	158	289	188	190	378	189	196	385
Science	74	190	264	67	114	181	81	136	217	101	104	205	85	222	307
Theology	21	54	75	31	68	99	49	133	182	71	134	205	17	88	105
Interdisciplinary															
Found. Studies	94	74	168	127	135	262	109	122	231	-	-	-	-	-	-
Institute															
Health Care	80	27	107	106	59	165	424	211	635	510	319	829	382	245	627
Gerontology	-	-	-	6	6	12	9	9	18	21	25	46	19	23	42
Social Welfare	-	-	-	-	-	-	43	12	55	78	21	99	122	25	147
Agriculture	-	-	-	-	-	-	2	29	31	6	24	30	10	29	39
Forensic Studies	-	-	-	-	-	-	7	1	8	9	35	44	4	6	10
Mediterranean Studies	-	-	-	-	-	-	3	9	12	3	10	13	6	18	24
Youth Studies	-	-	-	-	-	-	35	17	52	62	41	103	-	-	-
Energy Tech.	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2
Int. Environment	-	-	-	-	-	-	-	-	-	6	26	32	-	-	-
Masonry/Const Res	-	-	-	-	-	-	-	-	-	-	4	4	1	3	4
Med. Academy	-	-	-	2	15	17	9	21	30	17	27	76	13	21	34
Board for Inf. Tech. Studies	-	-	-	-	-	-	-	-	-	7	40	30	-	-	-
Water tech.	-	-	-	-	-	-	-	-	-	1	3	4	-	-	-
Island & Small States Studies	-	-	-	-	-	-	-	-	-	1	9	10	2	11	13
WPDC	-	-	-	-	-	-	-	-	-	7	2	19	21	34	55
European Documentation Centre	-	-	-	-	-	-	-	-	-	1	3	4	11	22	33
Inst. Boroque Studies	-	-	-	-	-	-	-	-	-	-	-	-	7	3	10
Centre for Comm. Techn.	-	-	-	-	-	-	-	-	-	-	-	-	1	-	10
Foundation for Foreign Studies	-	-	-	-	-	-	-	-	-	-	-	-	11	15	26
Total	1,419	1,823	3,242	1,615	1,855	3,470	2,488	2,473	4,961	3,080	3,089	6,169	3,169	3,014	6,183

Sources: *Education Statistics 1999, Central Office of Statistics, Malta.*

Table 11.12
Degrees, diplomas, certificates (University of Malta)

Year	Males	Females	Total	% Females
1990	245	183	428	42.75
1995	648	642	1,290	49.76
1996	695	663	1,358	48.82
1997	865	855	1,720	49.70
1998	779	912	1,691	53.93
1999	958	1,022	1,980	51.62

Source: *Reply to Parliamentary Question 808, 20/01/97*

Table 11.13
Profile of trainees attending ETC Training Programmes
October 1998 - September 1999

Types of Courses	Total No	Women	Men	% Women
Office Related	3,126	1,552	1,574	49.6
Trade	188	8	180	4.3
Total	***3,314***	***1,560***	***1,754***	***47.0***

Source: *Annual Report 1998 - 99, Employment and Training Corporation, Malta.*

Article 12

Table 12.1
Nursing Grades – 1999

Director Nursing Services	1
Departmental Nursing Managers	4
Deputy Nursing Officers	28
Staff Officers	35
Staff Nurses	277
Enrolled Nurses	358
Nursing Aids	139
Total	***842***

Source: *Human Resources Department, Division of Health, Oct 2000.*

Table 12.2
Demographic Indicators 1999 – Maltese Islands

Maltese Population	Women Men	191,612 188,589
Sex Ratio	Males per 1000 females	984
Births	Number	4,308
Crude Birth Rate	Live births per 1000 mid-year population	11.36
Total Fertility Rate		1.7
Number of Marriages		2409
Crude Marriage Rate	Marriages per 1000 mid-year population	6.35
Mean Age at First marriage (in years)	Women Men	24.49 26.86
Dependency Ratio	(0-14 years and 65+)	48.1
Life expectancy (in years)	Women Men	79.3 75.1
Crude Mortality Rate (deaths per 1000 mid-year population)		8.16
Crude Infant Mortality Rate (deaths under 1 year per 1000 live births)		7.2

Table 12.3
Number and rate of deaths - 1996-1999

	Number			Rate
Year	**Persons**	**Women**	**Men**	**Crude Death**
1996	2765	1315	1450	7.41
1997	2888	1356	1532	7.70
1998	3044	1463	1581	8.06
1999	3097	1557	1540	8.16

Source: *News Release No. 70/2000, Central Office of Statistics, Malta.*

Table 12.4
Live Births - 1996-1999

	Maltese Islands			
	Number			Number of live births per 1000 persons in mid-population
Year	**Total**	**Women**	**Men**	**Crude Births Rate**
1996	4944	2389	2555	13.25
1997	4835	2288	2547	12.89
1998	4488	2180	2308	11.89
1999	4308	2125	2183	11.36

Source: *News Release No. 70/2000, Central Office of Statistics, Malta.*

Table 12.5
Crude birth rates in the Maltese Islands (1944-1999)

Year	*Crude Birth Rate*
1999	11.4
1998	11.9
1996	13.3
1990	15.2
1980	17.6
1970	16.3
1960	26.1
1950	32.9
1944	39.3

Main Source: *Demographic Review 1998, Central Office of Statistics, Malta.*

Table 12.6
Births

	1991	**1992**	**1993**	**1994**	**1995**	**1996**	**1997**	**199**
LIVE BIRTHS	5302	5474	5147	4826	4613	4944	4835	448
Males	2704	2804	2679	2479	2403	2555	2547	230
Females	2598	2670	2468	2347	2210	2389	2288	218
Illegitimate	106	126	115	139	213	289	356	36
% Illegitimate	2.0	2.3	2.2	2.9	4.6	5.8	7.4	8.2
total per 1000 population	14.8	15.1	14.1	13.1	12.4	13.3	12.9	11.
total per 1000 women (aged 15-49)	57.3	58.3	54.2	50.7	48.5	52.9	51.8	48.
males born per 1000 females	1041	1050	1085	1056	1087	1069	1113	105
STILL BIRTHS	26	21	25	37	20	34	29	18
Rate per 1000 births (including still births)	4.9	3.8	4.8	7.6	4.3	6.9	5.9	4.0

Source: *Abstract of Statistics 1998, Central Office of Statistics, Malta.*

Table 12.7
Live births by age of mother and father, 1998

Age group	By age of mother	By age of father
Under 20	234	52
20-24	927	438
25-29	1561	1364
30-34	1126	1298
35-39	515	794
40-44	122	294
45-49	3	59
50-54	0	15
55-59	0	1
60-64	0	2
65+	0	1
Unknown	[illegible]	168

Source: *Demographic Review 1998, Central Office of Statistics*

Table 12.8
Maternal and Infant Mortality per 1000 live births

	Deaths of infants under 1 year of age			
	Total	Males	Females	Maternal Deaths
1991	9.6	12.6	6.5	-
1992	10.8	12.8	8.6	-
1993	8.2	10.5	5.7	1
1994	9.1	9.7	8.5	-
1995	8.9	10.8	6.8	1
1996	10.7	9.0	12.5	1
1997	6.4	6.7	6.1	-
1998	5.3	7.4	3.2	1

Source: *Abstract of Statistics 1998, Central Office of Statistics, Malta.*

Table 12.9
Infant mortality by selected causes

Causes	1991	1992	1993	1994	1995	1996	1997	1998
ABSOLUTE NUMBERS								
TOTAL	*51*	*59*	*42*	*44*	*41*	*53*	*31*	*24*
RATE PER 1000 LIVE-BIRTHS								
ALL CAUSES	9.6	10.8	8.2	9.1	8.9	10.7	6.4	5.3
All infections diseases	0.2	-	0.6	-	0.4	-	0.4	-
Pneumonia and bronchitis and diseases of the respiratory system	0.4	0.2	0.2	-	-	-	-	-
Congenital malformation	3.4	2.9	3.1	10.	2.6	2.0	2.1	2.2
Births injuries and difficult labour	3.2	4.7	2.3	5.2	5.2	7.5	3.1	2.9
Conditions of placenta and cord	0.6	1.1	0.2	1.7	-	-	-	-
Anoxic and hypoxic conditions not elsewhere classified	0.6	1.7	0.8	0.4	-	-	-	-
All other and ill-defined causes	0.4	0.2	-	0.8	0.7	1.2	0.8	0.2

Source: *Abstract of Statistics 1998, Central Office of Statistics, Malta.*

Table 12.10
Ten top causes of death

CAUSE OF DEATH	ICD-10 CODE	NUMBER OF DEATHS
Myocardial Infarction	I21	431
Chronic Ischaemic Heart Disease	I25	301
Stroke (not specified as Hemorrhage or Infarction)	I64	182
Heart Failure	I50	140
Lung Cancer	C34	115
Diabetes Mellitus, unspecified	E14	87
Other Chronic Obstructive Pulmonary Disease	J44	86
Pneumonia, organism unspecified	J18	80
Breast Cancer	C50	70
Bedsores	L89	62

Source: *Abstract of Statistics 1998, Central Office of Statistics, Malta.*

Table 12.11
Ten top causes of death in males

CAUSE OF DEATH	ICD-10 CODE	NUMBER OF DEATHS
Myocardial Infarction	I21	229
Chronic Ischaemic Heart Disease	I25	174
Lung Cancer	C34	102
Stroke (not specified as Haemorrhage or Infarction)	I64	79
Other Chronic Obstructive Pulmonary Diseases	J44	72
Heart Failure	I50	63
Pneumonia, organism unspecified	J18	41
Diabetes Mellitus	E14	34
Stomach Cancer	C16	32
Colon Cancer	C18	31
Cancer, unknown primary	C80	31

Source: *Abstract of Statistics 1998, Central Office of Statistics, Malta.*

Table 12.12
Ten top causes of death in females

CAUSE OF DEATH	ICE-10 CODE	NUMBER
Myocardial Infarction	I21	202
Chronic Oschaemic Heart Disease	I25	127
Stroke (not specified as Haemorrhage or Infraction)	I64	103
Heart failure	I50	77
Breast Cancer	C50	70
Diabetes Mellitus	E14	53
Bedsores	L89	44
Pneumonia, organism unspecified	J18	39
Cancer, unknown primary	C80	28
Colon Cancer	C18	26

Source: *Abstract of Statistics 1998, Central Office of Statistics, Malta.*

Table 12.13
Potential years of life lost under the age of 65 years (1997)

CAUSE OF DEATH	ICE-10 CODE	PYLL-65 (YEARS)			% TOTAL PYLL
		MALE	FEMALE	TOTAL	
Myocardial Infarction	I21	588	132	720	7.0
Lung Cancer	C34	281	83	364	3.5
Breast Cancer	C50	0	360	360	3.0
Chronic ischaemic Heart Disease	I25	269	43	312	3.0
Cancer unknown primary	C80	116	150	266	2.6
Lymphoid Leukaemia	C91	224	0	224	2.2
Colon Cancer	C18	162	57	219	2.1
Brain Cancer	C71	85	128	213	2.1
Suicidal fall from height	X80	117	68	185	1.8
Motorcycle rider injured in collision with car, pick-up truck or van	V23	126	45	171	1.7
Remainder		4498	2797	7295	70.6
TOTAL		*6466*	*3863*	*10329*	*100*

Source: *Annual Mortality Report, 1996-97: National Mortality Registry, Department of Health Information, Malta*

Table 12.14
Drug Overdose

GENDER	AGE	MONTH OF DEATH	ICD-10 CODE	CAUSE OF DEATH
Female	18	Jun	X42.0	Heroine Overdose
Female	57	Sept	X61.0	Amitriptylene Overdose
Female	78	Jan	X61.0	Suicidal overdose by sedative/psychotropic
Male	20	May	X42.9	Heroin and alcohol overdose
Male	21	Aug	X42.9	Opiate overdose
Male	35	Apr	X42.0	Heroin overdose
Male	44	Apr	X42.0	Heroin overdose
Male	48	Apr	X45.9	Alcohol overdose
Male	64	Sept	X41.0	Accidental poisoning by sedative/psychotropic

Source: *Annual Mortality Report 1996-97, National Mortality Registry, Department of Health Information, Malta*

Table 12.15
Mode of suicidal death

MADE OF DEATH	ICE-10 CODE	NUMBER OF DEATHS	GENDER	AGE GROUP
Carbon monoxide poisoning	X67	1	M	35 to 44
Hanging	X70	6	M,F	15 to 64
Shotgun wound	X73	12	M	25 to 34
Jumping from a high place	X80	7	M,F	15 to 94

Source: *Annual Mortality Report 1996-97, Department of Health Information, Malta.*

Table 12.16
Contraceptive use: 1971 and 1993

Method	1971	1993
None	12	14.2
Abstinence	1	7.9
Rhythm	40	19.4
Coitus Interruptus	70	40.6
Condom	12	21.9
Diaphram	*	1.0
OC	2	15.8
IUCD	*	2.9
Abortion	*	0.1
Sterilisation	1	2.2
Vasectomy	1	2.2
Other	*	0.2

Source: *Changing Patterns of Contraceptive Use in Malta, 1993, by Robin G. Milne and Robert E. Wright.*

Table 12.17
Teenage Mothers (Maltese & Non-Maltese) according to Age and Marital Status, 2000

	Marital Status				
Age (Yrs.)	Single	Married	Widowed	Separated	Divorced
<15	4	0	-	-	-
15	13	0	-	-	-
16	19	1	-	-	-
17	31	10	-	-	-
18	38	27	-	-	-
19	52	45	-	-	-
Total	***157***	***83***	-	-	-

Source: *National Obstetric Information System (NOIS) –WHO-OBSQID Project, Malta.*

Article 14

Table 14.1
Whole-time farmers, by sex and age

Age	Males	Females	Total
Under 19	21	1	22
20-29	200	12	212
30-39	379	27	406
40-49	337	34	371
50-59	304	23	327
60-69	112	9	121
70+	47	4	51
Total	***1,400***	***110***	***1,510***

Source: *Census of Agriculture, 1990-1991, Central Office of Statistics, Malta.*

Table 14.2
Part-time farmers, by sex and age

Age	Males	Females	Total
Under 19	270	57	327
20-29	1,376	746	2,122
30-39	2,741	1,877	4,618
40-49	2,947	2,210	5,157
50-59	2,001	1,810	3,811
60-69	1,901	1,340	3,241
70+	1,420	722	2,142
Total	***12,656***	***8,762***	***21,418***

Source: *Census of Agriculture, 1990-1991, Central Office of Statistics, Malta.*

Table 14.3
Animal and poultry breeders

	Women	Men
Poultry	-	488
Sows	12	167
Goats and Sheep	325	2,731
Cows & Bulls	5	123

Source: *Veterinary Services Department, Malta.*

Table 14.4
G. Micallef College of Agriculture - 1999

	Women	Men	Total
Commercial Horticulture	-	8	8
Animal Husbandary / Vet Assistance	6	18	24

Source: *Education Statistics 1999, Central Office of Statistics, Malta.*

Article 15

Table 15.1
Legal studies – University of Malta Academic Year 2000-2001

	Total	Women	Men
B.A. (Legal Studies)	352	191	161
Notary Public (NP)	100	54	46
Doctor of Law (LLD)	173	98	75

Source: *Student Admissions Office, University of Malta, Malta.*

Table 15.2
The Judiciary – 1999-2000

	December 1999			December 2000		
	Men	Women	Total	Men	Women	Total
Chief Justice	1	0	1	1	0	1
Judges	16	0	16	16	0	16
Magistrate	11	4	15	12	4	16
Attorney General	1	0	1	1	0	1
Deputy Attorney General	1	0	1	1	0	1
Assistant Attorney General	2	0	2	2	0	2
Senior Counsellor	2	0	2	0	0	0

Source: *Management and Personnel Office, Office of the Prime Minister, Malta.*

Article 16

Table 16.1
Number of Marriages – 1990 - 1999

Year	Marriage in Maltese Islands	Of which Civil Marriages
1990	2498	160
1991	2541	235
1992	2377	246
1993	2476	275
1994	2483	311
1995	2317	345
1996	2370	370
1997	2414	366
1998	2376	409
1999	2409	463

Sources: *Demographic Review of the Maltese Islands 1999, Central Office of Statistics, Malta.*

Table 16.2
Number of persons contracting marriage classified by age and gender

	1997				1998				1999			
	Women		Men		Women		Men		Women		Men	
Ages	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*
16-19	247	10.2	60	2.5	209	8.9	37	1.5	224	9.2	39	4.6
20-24	1224	50.7	763	31.6	1208	50.8	738	31.1	1105	45.8	744	30.8
25-29	643	26.6	1029	42.6	648	27.3	1020	42.9	745	30.9	1026	42.5
30-34	130	5.4	290	12.0	40	5.9	319	13.4	172	7.1	336	13.9
35-39	64	2.7	123	5.	72	3.0	106	4.5	70	2.9	127	5.2
40-44	47	2.0	55	2.3	34	1.4	53	2.2	38	1.5	49	2.0
45+	59	2.4	94	3.9	65	2.7	103	4.3	24	0.9	32	1.3
Total	*2414*				*2376*				*2409*			

Source: *Demographic Review of the Maltese Islands 1999, Central Office of Statistics, Malta.*

Table 16.3
Domestic Violence Service 2001

Quantitative Casework Data	January	February
Current Caseload	263	253
Long-Term Active Cases	167	158
Pending Cases	29	19
Dormant	67	38
Service Period Closed	40	80

Source: *Progress Report, January-February 2001, SWDP, Malta.*

Table 16.4
Crude birth rates (1944 - 1999)

Year	Crude Birth Rate
1999	11.4
1998	11.9
1996	13.0
1990	15.1
1980	17.6
1970	16.3
1960	26.1
1950	32.9
1944	39.3

Source: *Demographic Review of the Maltese Islands 1999, Central Office of Statistics, Malta.*

Table 16.5
Live births by age of mother, nationality and legitimacy, 1999

	By age of mother		Of whom illegitimate births	
Age Group	**Maltese**	**Other**	**By age of mother**	**By age of father**
All Ages	4308	102	434	434
Under 20	233	7	151	12
20 – 24	908	22	144	59
25 - 29	1584	19	67	44
30 - 34	995	24	39	28
35 - 39	463	21	22	23
40 - 44	124	9	11	22
45 - 49	1	-	-	10
50 - 54	-	-	-	5
55 – 59	-	-	-	-
60 – 64	-	-	-	1
65+	-	-	-	-
Unknown	-	-	-	230

Source: *Demographic Review of the Maltese Island, 1999, Central Office of Statistics, Malta.*